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AMERICAN ECONOMIC ASSOCIATION  
QUARTERLY

Formerly published under the title of PUBLIC AFFAIRS OF THE AMERICAN ECONOMIC ASSOCIATION

THIRD SERIES.  
Vol. IX, No. 4

ISSUED QUARTERLY.  
PRICE, \$4.00 PER YEAR.

FACTORY LEGISLATION  
OF  
RHODE ISLAND

by

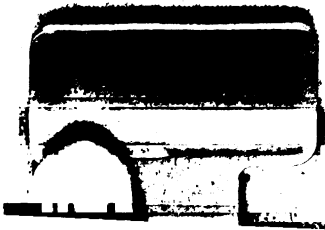
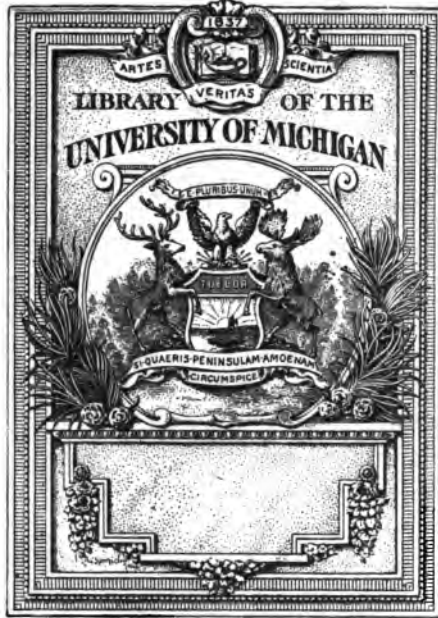
JOHN KER TOWLES, Ph.D.

OCTOBER 1908

PUBLISHED BY THE  
AMERICAN ECONOMIC ASSOCIATION  
PRINCETON, N. J.  
LONDON: SWAN SONNENSCHNIG & CO.

Entered as second class matter May 2, 1908, at the post office at Princeton, N. J.,  
under the Act of Congress of July 16, 1904.

PRICE, IN PAPER, \$1.00



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Formerly published under the title of PUBLICATIONS OF THE AMERICAN ECONOMIC ASSOCIATION

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## TABLE OF CONTENTS.

PREFACE ..... vii

### CHAPTER I.

INTRODUCTION: A Sketch of the Factory System in Rhode  
Island ..... 1-4

### CHAPTER II.

#### CHILD LABOR.

I. Conditions and Attempted Legislation before 1840.. 5-16

Child labor laws of America are based on common law inherited from England, p. 5. The factory system has been a great factor in advancement of the labor class, p. 6. Little attention to child labor before 1828 for factory system was not firmly established until that year, p. 6. In early days of factory system, public opinion heartily approved of child labor, pp. 7-9. Children formed large part of labor force of early factories, pp. 9-11. Early attempts to educate factory children took the form of Sunday Schools, pp. 11-12. Public School act of 1800 not passed to benefit factory children, p. 12. Gov. Knight advocates education of factory children, 1818, p. 13. First proposal for child labor law in 1824, p. 14. Public School act of 1828 had little relation to factory children, pp. 14-15. A bill requiring employers to educate illiterate children of twelve to fourteen years was discussed in 1828 but not introduced in Legislature, pp. 15-16.

II. Legislation from 1840 to 1883..... 16-30

A bill passed in 1840 required factory children under twelve to attend school three months of each year, pp. 16-19. This law was not enforced and was repealed by being omitted from the school law of 1845, pp. 19-20. Conditions of child labor cause legislative investigation in 1851, pp. 20-23. In 1853, a law passed fixing the age limit for child labor at twelve years, and prohibiting the employment of children from twelve to fifteen for over eleven hours a day, or before 5 a. m. or after 7.30 p. m., pp. 23-25. In 1854, law passed requiring factory children under fifteen to attend school three months of each year, p. 25. In 1856, truant law enacted giving the towns authority to pass truant ordinances, p. 26. No official was made responsible for the enforcement

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*Table of Contents*

|      |   |       |
|------|---|-------|
|      | of the laws of 1853, 1854, and 1856; these laws were disregarded by parents and employers, pp. 27-29. The truant law of 1871, "required" the towns and cities to pass truant ordinances; no penalty was placed on the towns and cities for non-compliance, and the law was for the most part ignored, pp. 29-30.  |       |
| III. | Laws of 1883-1907.....  | 30-56 |
|      | The law of 1883 marks new phase of legislation by providing for officials of administration, p. 30. In the period 1856-1883, the condition of child labor and school attendance did not improve, pp. 30-33. The truant law of 1883 reduced the age limit for child labor to ten years; twelve weeks of school attendance required of all children between seven and fifteen years. The laws of 1853 and 1854 were repealed, pp. 33-35. Under the 1883 law, school attendance improved for three years, then declined, p. 35. The truant law of 1887 provided that towns which did not appoint truant officers would be deprived of 50 per cent. of their State school appropriation. In other respects is much similar to that of 1883, pp. 36-38. The law of 1883 was not well enforced, pp. 38-39. An act of 1893 provided that all children between seven and fifteen should attend school eighty school days of each year, p. 39. There is much evidence that children under ten years of age were employed, pp. 40-41. The factory inspection act of 1894, placed the age limit for child labor at twelve years and provided for factory inspectors, pp. 42-44. By an act of 1899, the factory inspectors were required to enforce the law regarding the hours of child labor, p. 44. The truant law of 1902 prohibited the employment of children under thirteen during the school session, pp. 44-45. During the period 1894-1905, the conditions regarding child labor improved, but the law seems not to have been rigidly enforced, pp. 46-50. By an act of 1905, the age limit for child labor was raised to fourteen years, pp. 50-52. The evidence seems to show that the present administration of the child labor law might well be more efficient, pp. 52-56. |       |
|      | CHAPTER III.  |       |
|      | HOURS OF LABOR.....   | 57-75 |
|      | The demand for a shorter working day dates back to earliest days of American trade unions, p. 57.   |       |

*Table of Contents*

v

Oppressively long hours of work prevailed during early part of 19th century, pp. 58-59. Union labor demands a shorter day, pp. 59-63. Legislative investigation of 1851 exposes mill conditions, pp. 63-64. Law of 1853 fixes working day for children at eleven hours to be between 5 a. m. and 7.30 p. m.; ten hours made legal day's work for all workers unless otherwise agreed by contracting parties, p. 64. No provision for enforcement of this law, but working day was gradually reduced to eleven hours, p. 64. Law of 1853 repealed in 1885, leaving no restriction on hours of work, p. 65. Act of 1885 fixes ten hours as day's work for women and children, pp. 65-71. This law was well observed during normal business periods, pp. 71-73. By act of 1902, week's work for women and children fixed at fifty-eight hours, p. 73. Law of 1905 prohibited employment of children before 6 a. m. or after 8 p. m., p. 74. The laws regarding hours of labor are not violated during periods of normal business activity, pp. 74-75.

CHAPTER IV.

FACTORY ACTS ..... 76-98

Complaints against early factories were concerned with child labor and hours of labor rather than with dangers to life and limb, pp. 76-77. Some attention was given to idea of factory inspection in 1853, p. 77. Defective factory conditions and the increased power of organized labor force the passage of the factory inspection act of 1894, pp. 78-83. Provisions of 1894 act, pp. 83-85. The effectiveness of the law depends upon the inspector's standards of health, propriety and safety, p. 85. By the act of 1901, the appointment of the inspectors was taken from the Governor and vested in the Senate, p. 86. The law of 1905 removed an ambiguity of the 1894 statute by empowering inspectors to visit all factories, p. 86. An act of 1904 required foundries to provide toilet facilities, p. 87. Administration of Factory Inspection Law: Lighting, p. 89; heating, p. 90; ventilation, p. 90; seats for women and girls, p. 91; dressing rooms, p. 92; water-closets, p. 92; cleaning of machinery, p. 93; guarding of machinery, p. 93; reporting of accidents, p. 95; factory inspectors' reports, p. 95; posting of factory act, p. 98.

## CHAPTER V.

## FIRE ESCAPES AND ELEVATORS..... 99-112

## I. Fire Escapes.

First legislation in 1859 provided town councils should pass ordinances regulating entrances to public buildings, p. 99. Act of 1878 made provisions for fire escapes in Providence; chief engineer of fire department to administer law, p. 99. By act of 1881, town and city councils were authorized to pass fire-escape ordinances, p. 100. By act of 1883, the councils were required to pass such ordinances and appoint officials for their enforcement, p. 101. These laws were inadequate and poorly administered, p. 101. Law of 1890: Legislative history and provisions, pp. 102-104. Board of Appeal provided in 1891, p. 104. By factory act of 1894, factory inspectors given power to order erection of fire-escapes, p. 105. Administration of the laws: Before 1890 administration was inadequate; since that date has improved and is now satisfactory, pp. 105-108.

## II. Elevators.

First law regulating construction of elevators was the building act of Providence, 1878, p. 108. By act of 1883, town and city councils were required to pass elevator ordinances, p. 109. By factory act of 1894, provisions were made for guarding elevators, p. 109. More definite provisions made by Chapter 1271 of 1894, p. 110. Law of 1902 makes the owner and lessee of a building jointly responsible, pp. 110-111. The elevator laws are defective but such as exist are well observed, pp. 111-112.

## CHAPTER VI.

## BUREAU OF INDUSTRIAL STATISTICS..... 113-119

Knights of Labor and political conditions cause the establishment of the bureau in 1887, pp. 113-115. Provisions of the act, p. 115. By an act of 1901, appointment of the commissioner taken from Governor and vested in Senate, p. 116. Administration and Results: Authority given bureau insufficient; business men and laborers seem not to have cooperated with the bureau; it is probable the bureau has not been worth its cost to the State, pp. 117-119.

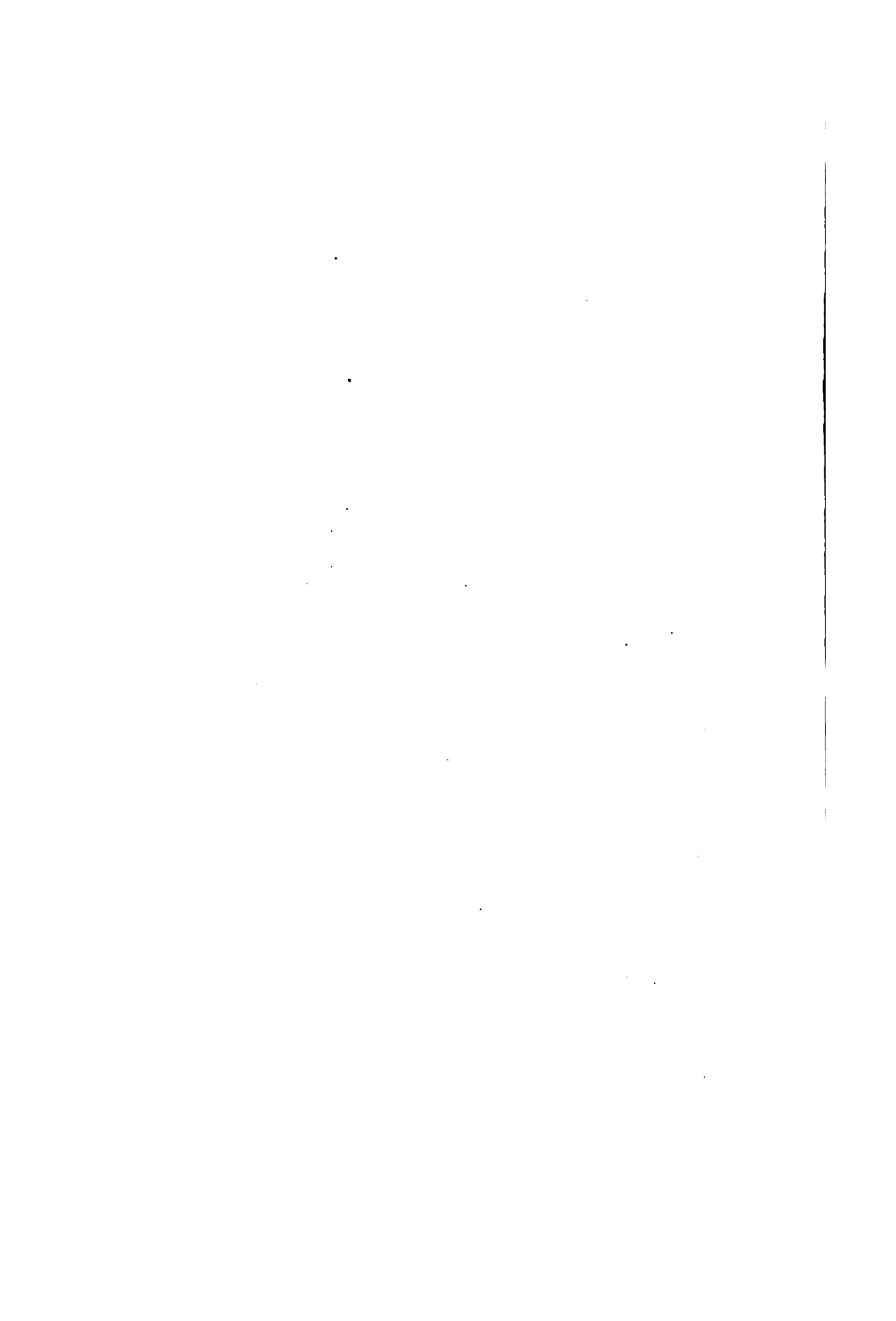
## PREFACE.

This paper deals with such labor legislation of Rhode Island as applies particularly to factories. The selection of laws for discussion has been to some extent a matter of personal judgment and may appear somewhat arbitrary. The aim has been to give chief attention to laws which are under the jurisdiction of the state factory inspectors. The analytical table of contents is arranged for those wishing a brief summary of the conclusions reached.

I wish to make grateful acknowledgment to the Carnegie Institution of Washington for financial aid given me while collecting material for this study. I desire to express particular obligation to Professors Clive Day and Henry W. Farnam for advice and criticism. It is a pleasure to acknowledge my indebtedness to Mr. Clarence S. Brigham, Librarian of the Rhode Island Historical Society, for various courtesies; to Professor Morton A. Aldrich, of Tulane University, for advice as to the treatment of the present administration of child labor laws; to Professor Alba M. Edwards, of Bowdoin College, for suggestions in planning this study; to Professor Henry B. Gardner, of Brown University, for introducing me to state officials of Rhode Island; and to many others whose kindness has facilitated the preparation of this paper.

*New Haven, Conn.,  
May 1, 1908.*

JOHN K. TOWLES.



## CHAPTER I.

### INTRODUCTION: A SKETCH OF THE FACTORY SYSTEM IN RHODE ISLAND.

Factory legislation has been developed to guard the physical and moral health of laborers employed in manufacturing establishments. Such legislation is a concomitant of the factory system. It may be well, therefore, by way of introduction to sketch briefly the growth of manufactures in Rhode Island.<sup>1</sup>

The State has long been a leader in manufacturing enterprises: in colonial days it excelled in such forms of manufacturing as then existed in America; at Pawtucket in 1790 the first cotton mill in America was established; and at the present time Rhode Island is the most purely industrial of all the States and has the greatest density of population, 407 inhabitants to the square mile. By the census of 1900, the State led all others in the value per capita of its manufactured goods. The proportion of wage earners employed in manufactures in 1900 averaged 23.1 per cent. of the total population, or 98,813 out of a population of 428,556. The greatest number employed at any one time during the year was no less than 27.1 per cent.

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<sup>1</sup>The brief summary here given of the factory system in Rhode Island is based on Bowditch: *Industrial Development of Rhode Island* (Field: *State of Rhode Island and Providence Plantations*, Vol. III, pp. 323-386); Jones: *Transitions of Providence from a Commercial to a Manufacturing Community*; Bishop: *History of American Manufactures*; *Twelfth Census of the United States*, Vol. VIII, Part II.

The manufacture of textiles is the leading industry of the state. As has been mentioned, Samuel Slater in copartnership with Moses Brown established at Pawtucket in December, 1790, the first cotton spinning mill in America. Though several other mills were soon afterward put into operation, it cannot be said that cotton manufacture was an immediate success. Owing to the lack of capital, to high wages, high interest rates, poor machinery, and, above all, to a lack of skilled labor, very little progress had been made by 1806. After that date conditions improved, but, as Jones gives abundant evidence, manufactures cannot be considered as firmly established in Rhode Island until 1824. The power loom for cotton cloth was not introduced until 1817 and for many years after that date the mills were chiefly occupied in supplying yarn to be used on hand looms in the homes of workers. Between 1824 and 1840, commerce and agriculture steadily declined in importance and Rhode Island became essentially a manufacturing state. In 1832, according to statistics compiled under the auspices of the National Tariff Convention, there were 116 cotton mills in the state giving employment to 8,500 persons. In 1860, the mills numbered 135 and employed 12,089 workers. In 1900, there were 87 mills with a working force of 24,032 persons.

Rhode Island is also a center for the manufacture of woollens and worsteds. The first use of power machinery in woolen manufacture was at Peacedale, South Kingstown, by Rowland Hazard in 1804. In 1832, the nineteen mills of the state employed 383 persons. The census of 1860 showed 57 mills employing 4,229 hands. The majority of the large mills have been established since 1860. The returns for 1900 give 77 woolen and worsted mills employing 17,606 persons. This does not include

15 hosiery and knit good factories with 1,594 employees.

Ranking next in importance to its textile establishments are the iron mills and machine shops of the state. Rhode Island in early colonial days became noted for its machine shops and foundries and has maintained a leading position in these industries. Throughout the Revolution the state supplied a large portion of the cannon and small arms used by the American armies. The machinery for the early cotton mills was made in the state. In 1900 the iron works numbered 144 and employed an average number of 8,800 persons. Rhode Island ranks first among the states in the manufacture of jewelry. In 1805 there were four firms in Providence giving employment to 30 hands. In 1825, the number of establishments had increased to eleven, but none employed over twenty hands. The establishments numbered 86 in 1860. By the census of 1900 there were in Providence 207 jewelry establishments, giving work to 6,977 persons.

For those who are statistically inclined the following summary of manufactures in the state is adjoined:



COMPARATIVE SUMMARY, 1850 TO 1900, OF RHODE ISLAND MANUFACTURES.

|   | Date of Census |               |               |               |              | Per Cent. of Increase |              |              |              |              |       |
|---|----------------|---------------|---------------|---------------|--------------|-----------------------|--------------|--------------|--------------|--------------|-------|
|   | 1900           | 1890          | 1880          | 1870          | 1860         | 1850                  | 1890 to 1880 | 1880 to 1870 | 1870 to 1860 | 1860 to 1850 |       |
| Number of establishments.....                               | 4,189          | 3,377         | 2,205         | 1,850         | 1,101        | 864                   | 24.0         | 53.2         | 19.2         | 55.3         | 37.8  |
| Capital.....  | \$183,784,587  | \$126,463,401 | \$75,575,943  | \$66,557,322  | \$24,278,295 | \$12,935,676          | 45.3         | 67.4         | 13.6         | 174.1        | 87.7  |
| Salariéd officials, clerks, etc., number.....               | 4,433          | 1,865         | .....         | .....         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |
| Salaries.....   | \$5,552,189    | \$4,688,608   | .....         | .....         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |
| Wage-earners, average number.....                           | 98,813         | 81,111        | 62,878        | 49,417        | 32,490       | 20,967                | 21.8         | 29.0         | 27.2         | 52.1         | 55.0  |
| Total wages.....  | \$41,114,084   | \$33,239,313  | \$21,355,619  | \$19,354,256  | \$8,760,125  | \$5,047,080           | 23.7         | 55.6         | 10.3         | 120.9        | 73.6  |
| Men, 16 years and over.....                                 | 04,508         | 49,684        | 37,060        | 28,804        | 20,795       | 12,923                | 29.8         | 34.1         | 28.7         | 38.5         | 60.9  |
| Wages.....  | \$31,295,442   | \$24,915,189  | .....         | .....         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |
| Women, 16 years and over.....                               | 29,269         | 25,602        | 18,270        | 14,752        | 11,695       | 8,044                 | 14.3         | 40.1         | 23.8         | 26.1         | 45.4  |
| Wages.....  | \$8,909,010    | \$7,397,979   | .....         | .....         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |
| Children, under 16 years.....                               | 5,036          | 5,825         | 7,548         | 5,861         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |
| Wages.....  | \$909,632      | \$926,145     | .....         | .....         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |
| Miscellaneous expenses.....                                 | \$12,199,283   | \$8,825,407   | .....         | .....         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |
| Cost of materials used.....                                 | \$96,392,661   | \$76,253,023  | \$58,103,443  | \$73,154,109  | \$19,858,515 | \$13,186,703          | 26.4         | 31.2         | 20.6         | 268.4        | 50.6  |
| Value of products, including custom work and repairing..... | \$184,074,378  | \$142,500,625 | \$104,163,621 | \$111,418,354 | \$46,711,296 | \$22,117,688          | 29.2         | 36.8         | 36.5         | 173.7        | 84.1  |
| Total population.....                                       | 428,556        | 345,506       | 276,531       | 217,353       | 174,620      | 147,545               | 24.0         | 24.9         | 27.2         | 24.5         | 18.4  |
| Wage-earners engaged in manufactures.....                   | 98,813         | 81,111        | 62,878        | 49,417        | 32,490       | 20,967                | 21.8         | 29.0         | 27.2         | 52.1         | 55.0  |
| Per cent. of total population.....                          | 23.1           | 23.5          | 22.7          | 22.7          | 18.6         | 14.2                  | .....        | .....        | .....        | .....        | ..... |
| Assessed value of real estate.....                          | \$320,318,384  | \$243,081,296 | \$188,224,459 | \$132,867,581 | \$83,778,204 | \$54,358,231          | 31.8         | 29.1         | 41.7         | 58.6         | 54.1  |
| Value of land and buildings invested in manufactures.....   | \$44,186,729   | \$28,274,887  | .....         | .....         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |
| Per cent. of assessed value.....                            | 13.8           | 11.6          | .....         | .....         | .....        | .....                 | .....        | .....        | .....        | .....        | ..... |

\* Includes proprietors and firm members, with their salaries; number only reported in 1900.

† Not reported separately.

‡ Decrease.

§ Not reported.

¶ As given in Rhode Island Manual for 1900, page 288.

\*\* Does not include value of rented property.

Note.—The manufacturing establishments as given include hand trades and factories with a product of less than \$500.—Twelfth Census of United States, Vol. VIII, Part II, p. 808.

## CHAPTER II.

### CHILD LABOR.

#### *I. Conditions and Attempted Legislation before 1840.*

The principle of common law that all persons under twenty-one years of age have a claim to special protection from the state was inherited by the American States from England. This principle was early shown in the English laws dealing with inheritance and contracts, and by the special provisions guarding the rights of minor apprentices. These apprentice laws were practically copied by the American colonial assemblies and later were incorporated as part of the statutes of the states.

It is natural, therefore, that in Rhode Island, as in most of the states, the law designed to correct the evils of child labor should have been the first phase of labor legislation to attract public attention and support. The laws relating to the work of children have been most often before the General Assembly, and the public attitude to such measures is still a fair index of its opinion of all legal restrictions upon labor contracts.

During the 18th century children had long been employed under the domestic system of manufacture and the severity of the work and hours was perhaps equal to that under the early factory system, but as the little laborers were not concentrated in large numbers so as to strike the public conscience, no serious attempt was made to remedy these conditions. Parents would have regarded as an infringement upon a fundamental right any measure preventing them from employing their chil-

dren in their own homes in any manner they saw fit. It was only after the workers had been gathered together in the mills, that agitation for remedial legislation became practical. The many abuses and failings of the factory system were recognized at an early date; but, on the other hand, its beneficial aspects have not received adequate attention. The critics of the system do not seem fully to realize that, by bringing large numbers of workers into close association, by the greater strategic power given labor unions, and the increased opportunity afforded for selecting efficient union leaders, the factory has been one great force in the modern labor movement. Before men could act in concert, it was necessary that they be assembled in large groups and made to realize their common interests and opportunities.

There was no definite objection made against child labor before 1828 for the very good reason that not until a few years previous to that date could the factory system be said to be established in Rhode Island. In 1824, the chief interests of New England were still ship-building, commerce, and the fisheries. Webster, in his opposition to the tariff of this year, was a typical advocate of these older interests, which were gradually giving place to those of a new industrial regime. Dr. William Jones, in his careful study of the changes in Rhode Island industry, gives the period 1806-1824 as one of transition from commercial to industrial interests, and states that not until the end of this period could manufactures be said to have become predominant.<sup>1</sup> It was not until 1817 that the power loom came into use, and long after that date the factories were chiefly occupied in the making of yarn to be woven in the homes of the workers. During

<sup>1</sup>Jones: *The Transition of Providence from a Commercial to a Manufacturing Community*, p. 10.

the first third of the century, therefore, the extent of manufactures was not such as to make the question of child labor one of vital importance to the public.

*Early Attitude of Public Toward Child Labor.*—The attitude of the public to the labor of women and children during these early days of the factory system was very different from that of our own day, and this must be borne in mind in considering what might otherwise appear cruel and callous on the part of the employer. It was then thought most beneficial that women and children should work, and the cotton mill was welcomed as giving employment to a part of the population which would otherwise have been comparatively idle. When Slater set hundreds of children to work in his factory he was convinced that such was a most beneficent and public-spirited act. It was in the "mores" of the time for children to be made to work; therefore, for such a society, child labor was right. Miss Edith Abbott has shown it is a mistake to think that only within recent years have women and children taken a prominent part in industrial production. On the contrary, they formed almost the entire labor force of the early factories.<sup>2</sup> This attitude toward child labor was an inheritance from the previous century when, with the limited subsistence yielded by hand production, it was perhaps necessary for the child to be self-supporting. With our modern machine production the surplus is so large that there is little danger of the great mass of the workers falling to the subsistence level; hence, child labor is not needed and is, therefore, tabooed by the best public opinion.

As an instance of the early attitude towards work by children, it may be noted that the Boston "Society for Encouraging Industry and Employing the Poor" was or-

<sup>2</sup> *Journal Pol. Econ.*, Vol. XIV (Oct., 1906).

ganized in 1751 to "employ our own women and children who are now in a great measure idle."<sup>3</sup> In 1770, a memorial presented to the General Court of Massachusetts stated that because of the increasing number and expense of the poor, rooms had been engaged and spinning wheels set up "for employing young females from eight years old and upward in earning their own support."<sup>4</sup> Hamilton was in agreement with the spirit of the time when in the course of his "Report on Manufactures" in 1791, he said:

"It is worthy of particular remark that, in general, women and children are rendered more useful, and the latter more early useful, by manufacturing establishments than they would otherwise be. Of the number of persons employed in cotton manufactories in Great Britain, it is computed that four-sevenths, nearly, are women and children; of whom the greatest portion are children, and many of them of a tender age."<sup>5</sup>

Slater says in a letter of 1827: "The wool business requires more man labor and this we study to avoid."<sup>6</sup> The manufacturers were successful in this study to avoid employing men, but were very sensitive to criticism directed against such a policy. The "Rhode Island American" in replying to Thomas Campbell's "Lines on Re-visiting a Scottish River" had this to say:<sup>7</sup>

"It is, to be sure, very poetic to talk about 'chaining childhood to Ixion's wheel,' but plain sense tells us honest

<sup>3</sup> Bagnall: *Textile Industries of U. S.*, p. 33. (Cited by Miss Abbott, p. 491).

<sup>4</sup> Cited by Edith Abbott, *Jour. Pol. Econ.*, XIV, p. 492.

<sup>5</sup> Hamilton's *Works*, Vol. III, p. 207.

<sup>6</sup> White: *Life of Slater*, p. 131.

<sup>7</sup> The lines especially referred to were:

"Yon pale mechanic, bending o'er his loom,  
And Childhood's self, as at Ixion's Wheel  
From morn to midnight tasked to earn its little meal."

labor is much better than the most romantic indolence, even for 'children,' which had better be taught to *earn* than to *beg* its little meal. Doubtless in many of the British manufactories children are overtasked, and weavers become sickly by excess of labor; but even this evil is vastly less than the misery attending an overflowing and unemployed population. \* \* \* They [the children] are better employed in being 'fashed' even with too much labor, than suffered to grow up in ignorance of any occupation, and pine in sloth, rags and wretchedness."<sup>8</sup>

*Early Conditions of Child Labor.*—What were the conditions as regards child labor which prompted the early attempts at legislation? Though manufacturing had not yet become the dominant interest in Rhode Island, there is evidence that children formed a large part of the labor force of such establishments as existed in the early days of the factory system. In the first cotton mill of America, Samuel Slater began work in December, 1790, with four spinners and carders. This force was soon increased by the addition of five children from seven to twelve years of age.<sup>9</sup>

This plan of employing young children seems to have been continued, for Josiah Quincy, who made a journey through southeast New England in 1801, gives us this glimpse of the Slater mill:

"All the processes of turning cotton from its rough into every variety of marketable thread state, such as cleaning, carding, spinning, winding, etc., are here performed by machinery operated by Water-wheels, assisted only by children from four to ten years old, and one

<sup>8</sup> Rhode Island American, Mar. 21, 1828.

<sup>9</sup> Field: State of Rhode Island and Providence Plantations, Vol. III, p. 343.

superintendent. Above an hundred of the former are employed at the rate of from 12 to 25 cents for a day's labor. Our attendant was very eloquent on the usefulness of this manufacture, and the employment it supplied for so many poor children. But an eloquence was exerted on the other side of the question more commanding than his, which called us to pity these little creatures, plying in a contracted room, among flyers and coggs, at an age when nature requires for them air, space, and sports. There was dull dejection in the countenances of all of them. This united with the deafening roar of the falls and the rattling of the machinery put us in a disposition easily to satisfy our curiosity."<sup>10</sup>

With the extension of cotton and woolen manufacture, the number of minors employed increased. This attracted attention but did not persuade the public to action. Though there were cases of individual indignation, the public was passive and its interests perfunctory. In 1824, Mr. Burgess stated in the General Assembly that there were "2,500 children, excluding weavers, from the age of seven to fourteen years employed in the manufactures of the state."<sup>11</sup> Throughout this period there were advertisements appearing in the papers of which the following is a fair example: "Ten or twelve good respectable families consisting of 4 to 5 children each, from 9 to sixteen years of age, are wanted to work in a cotton mill in the vicinity of Providence. \* \* \* Apply to William Sprague, Jr. at Natick Village."<sup>12</sup> These notices became numerous at this date and show that the demand for child labor was increasing. In a letter to the "National Intelligencer" John Whipple of Rhode Island said,

<sup>10</sup> Account of Journey of Josiah Quincy, 1801. Proceedings Massachusetts Historical Society, 2nd series, Vol. IV, p. 124.

<sup>11</sup> Mfg. & Farm. Jour., Jan. 26, 1824. (Cited by Jones.)

<sup>12</sup> Mfg. & Farm. Jour., Jan. 17, 1828.

in speaking of the advantages of machine production,—  
 “A thousand spindles require on the average, 41 persons  
 within the factory. All the machinery in the country re-  
 quires but 39,031 persons, principally women and chil-  
 dren.”<sup>13</sup> For the year 1830 it was estimated that about  
 two-fifths of the persons employed in factories were  
 between the ages of seven and sixteen years.<sup>14</sup>

The following statistics given by Pitkin, for cotton  
 manufacture in 1831, are of special value:<sup>15</sup>

|                        | N. Hamp.    | Mass.        | Conn.       | Rhode I.    |
|------------------------|-------------|--------------|-------------|-------------|
| Capital .....          | \$5,300,000 | \$12,891,000 | \$2,825,000 | \$6,262,340 |
| No. Mills .....        | 40          | 250          | 94          | 116         |
| No. Spindles .....     | 113,776     | 339,777      | 115,528     | 235,753     |
| No. Looms .....        | 3,530       | 8,981        | 2,609       | 5,773       |
| Yds. of Cloth.....     | 29,060,500  | 79,231,000   | 20,055,500  | 37,121,681  |
| Males Employed .....   | 875         | 2,665        | 1,399       | 1,731       |
| Wages per Week.....    | \$6.25      | \$7.00       | \$4.50      | \$5.25      |
| Females Employed ...   | 4,090       | 10,678       | 2,477       | 3,297       |
| Wages per Week.....    | \$2.60      | \$2.25       | \$2.20      | \$2.20      |
| Children under 12 yrs. | 60          | .....        | 439         | 3,472       |
| Wages per Week.....    | \$2.00      | .....        | \$1.50      | \$1.50      |

It is seen that according to this estimate there were in  
 1831 in Rhode Island 3,472 children under twelve years  
 of age, as compared to 60 in New Hampshire and 439  
 in Connecticut. Even if it is granted that the number  
 for Rhode Island was over-estimated it still appears that  
 the state was especially given to the employment of child  
 workers.

*Factory Sunday Schools.*—The early attempts to edu-  
 cate the factory children took the form of Sunday schools  
 in which the little workers were instructed in elementary,  
 secular subjects. The first of such schools was established  
 by Samuel Slater in connection with his factory, in 1796,

<sup>13</sup> Providence Patriot, Mar. 29, 1828.

<sup>14</sup> Grieve: History of Pawtucket, p. 98.

<sup>15</sup> Pitkin's Statistics of the U. S., p. 526.



similar schools having been in operation at the mills of Strut and Arkwright when Slater left England.<sup>16</sup> These schools became more numerous with the extension of cotton manufacture. From Pawtucket, they were introduced into Providence in 1815.<sup>17</sup> Dicey thinks that the factory Sunday school was introduced in England because the manufacturers knew that public indignation would be aroused if the children received absolutely no instruction.<sup>18</sup> Southey complained that the mill owners had "converted Sunday into a schoolday." The question arises: did a similar motive actuate the manufacturers of Rhode Island? There is no proof for such an allegation, and we may as well give the mill owners the benefit of the doubt. These schools were subsequently taken under the patronage of the different religious societies and made to serve the purpose of religious instruction.<sup>19</sup> The *Rhode Island American*, after giving a list of the Sunday schools in 1828, remarks: "Every factory in the State ought to have its Sunday school. There is no better means of refuting the argument to often urged against manufactures that they tend to demoralize and debase the rising generation."<sup>20</sup>

*Factory Children and the Beginning of Public Education.*—Though the public school law of 1800 was passed chiefly through the influence of the Providence Association of Mechanics and Manufacturers,<sup>21</sup> Jones is of the opinion that the act was "in no wise intended to give to

<sup>16</sup> *Mfg. & Farm. Jour.*, Aug. 13, 1835; Staples: *Annals of Prov.*, p. 532.

<sup>17</sup> White: *Memoir of Slater*, p. 108.

<sup>18</sup> Dicey: *Law and Opinion in England*, p. 222.

<sup>19</sup> *Mfg. & Farm. Jour.*, Aug. 13, 1835; White: *Memoir of Slater*, p. 108.

<sup>20</sup> *R. I. Amer.*, April 18, 1828.

<sup>21</sup> See petition to Gen. Assem., Feb., 1799.

the factory children the benefit of school instruction."<sup>22</sup> There is reason to believe that the measure was not demanded by the laboring classes. John Howard, who was foremost in securing the passage of the act says, "It is a curious fact that throughout the whole work it was most unpopular with the common people and met with most opposition from the class it was designed to benefit."<sup>23</sup> This first attempt to establish free schools was "virtually defeated by simple non-enforcement"<sup>24</sup> and the act was formally repealed at the February session 1803. During the subsequent twenty-five years all attempts to reestablish a system of public schools were unsuccessful.

The tardy adoption and late development of the idea of public education was probably due to the earnest desire of the people to keep the Church and State separate and prevent any religious denomination from gaining predominance by sectarian teaching in the State schools. Dr. Tolman is of the opinion that the desire to maintain religious freedom was one of the chief reasons for the slow growth of a system of education,<sup>25</sup> and this argument is given more complete statement by Richman.<sup>26</sup> This insistence upon complete religious toleration combined with a high spirit of individualism which opposed any suggestion of state paternalism thus retarded the establishment of free schools and indirectly made the evils of child labor more acute.

In 1818, Governor Knight in a message to the General Assembly called attention to the need of providing public

<sup>22</sup> Jones: *Transition of Providence from a Comm. to a Mfg. Community*, p. 26.

<sup>23</sup> Stone: *Life and Recollections of John Howard*, p. 138.

<sup>24</sup> Stockwell: *History Pub. Educa. in Rhode Island*, p. 21.

<sup>25</sup> W. H. Tolman: "History of Higher Education in Rhode Island," p. 25.

<sup>26</sup> Richman: *History of Rhode Island*.

education for the factory children. He emphasized the fact that a large number of children were growing up in ignorance and that this was a special danger to a democratic government.<sup>27</sup> In 1820, the Governor submitted a plan for the establishment of a system of public schools, which was in many respects similar to that finally adopted in 1828.<sup>28</sup>

About this time several evening schools were established by the different mills. The first of these factory evening schools is said to have been established in 1821 by Rowland G. Hazard at Peacedale.<sup>29</sup>

The first definite proposal for a child labor law seems to have been made by Mr. Burgess, when at the January session, 1824, he reported a resolution providing by law for the education of factory children. It was planned to have the employers bear the expense of these schools. "The proposal met with little favor. Instead of being a source of complaint, the employment of 2,500 children in factories seemed to some to be a source of consolation."<sup>30</sup>

The second movement for a State system of public schools began in 1820 and gained increasing support until the passage of the law of January 1828. There is no reason for the opinion that this act was intended primarily for the education of working children. Public opinion at that date would not have supported the idea of taking the children of the poor from the mills in order that they might attend the schools. Also, under the early school laws part of the school fund was obtained by assessment upon the parents of the scholars, and

<sup>27</sup> Schedules of General Assembly, 1818.

<sup>28</sup> *Ibid.*, 1820.

<sup>29</sup> Necrological Sketch of R. C. Hazard, *Providence Journal*.

<sup>30</sup> Jones: Transition of Providence from a Comm. to a Mfg. Community, p. 72.

though the poor were allowed to exempt themselves from this assessment by taking an oath as to their poverty, few availed themselves of this privilege. This assessment, therefore, had the effect of practically excluding the children of the very poor from the schools.

Though there is no reason to suppose the public school system was established to meet the needs of factory children, the education of these children evidently was receiving increased attention in 1828. "The Rhode Island American" was "most anxious to take from the enemies of Domestic Industry almost the only plausible objection they can urge: the tendency of employment in manufacturing establishments to deprive children of the means of education."<sup>31</sup> The following editorial expression, which is unusual for so early a date, is found in the *Manufacturers and Farmers' Journal* of the same year:<sup>32</sup> "Not only the means of obtaining the rudiments of a good education should be given to all, but all should by law be compelled to receive them. Parents should not have the exclusive control over their children, but, as in Athens, should be considered Public property, . . . "

There is some evidence that this increased attention to education resulted in an attempt to provide especially for the schooling of factory children, but it is an error to state that the matter was placed before the Legislature. The *Providence Phoenix* of Feb. 9, 1828, had an editorial paragraph saying: "A bill is before the Legislature which prohibits any manufacturer from employing in his establishment any person between the age of twelve and eighteen years who cannot read and write, unless the manufacturer shall give a written obligation to provide for the

<sup>31</sup> *R. I. Amer.*, May 2, 1828.

<sup>32</sup> *Mfg. and Farm. Jour.*, Jan. 14, 1828.

instruction of such minors as he shall employ." There is no record that such an act was actually introduced; no mention is made of it in the original records in the State archives nor in the newspaper reports of the legislative proceedings. It is probable that such a measure was discussed at this date, but that it did not come before the General Assembly. It will be noted that such a law would have been highly restrictive; even at the present time, it would not be possible to decree that all employees between the ages of twelve and eighteen should be able to read and write. What must be borne in mind here is that such agitation as existed and such laws as were proposed did not represent the attitude of the public which, in the main, seemed indifferent to the entire matter. Such continued to be the public attitude for many succeeding years, and a decided trace of this indifference still lingers at the present day.

## II. *Legislation from 1840 to 1883.*

*The Law of 1840.*—During the ten years following 1828, the number of children in the factories increased and it was found that the public school system did not reach the great mass of the poorer children. During the early '30's there was a rapid growth of trade unions which demanded better working conditions, especially shorter hours of labor, in order that working children might have some advantages of education.<sup>88</sup> Though this union labor movement seems to have disappeared about 1835, it is probable that the ideas then emphasized had some influence upon later developments. Seth Luther, perhaps the most prominent of Rhode Island labor leaders, said in an address to the workingmen of New England,

<sup>88</sup> This movement is given more complete notice under "Hours of Labor."

1833: "A committee of workingmen in Providence report 'that in Pawtucket there are at least 500 children who scarcely know what a school is.' . . . This may serve as a tolerable example of every manufacturing village of Rhode Island."<sup>84</sup>

Nor, does the public school system of Woonsocket seem to have given the best results, for its historian writing of the period about 1836 says: "The inhabitants were but a step above barbarism. Many of the school committee were rude in manner and speech and many of the pupils were so vulgar, uncouth and savage, that one of the chief requisites of a successful teacher was a good muscular development."<sup>85</sup> In 1836, there were in the city of Providence 3,235 children between the ages of five and fifteen years who did not attend any school.<sup>86</sup> When the total population of Providence of that day is considered, this number of absentees seems unusually large. A few years previous to 1839, the *school books* of Massachusetts stated that "in Rhode Island there were more people unable to read and write than in any other State in the Union."<sup>87</sup> It may be added here that the historians of Massachusetts have never been partial to Rhode Island and the same is probably true of her text book writers. Probably the educational conditions of Rhode Island were not much below those of her neighbors.

To these factors directing attention to the education of factory children must be added the influence of reforms in England. A crucial event in the factory reform movement of England was the publication, in 1830, of

<sup>84</sup> Luther: "Address to the Working Men of New England," p. 21.

<sup>85</sup> E. Richardson: *History of Woonsocket*, pp. 93-94.

<sup>86</sup> Stockwell: *History Public Education in Rhode Island*, p. 179.

<sup>87</sup> *Providence Journal*, June 8, 1839, p. 2, col. 1.

Richard Oastler's letters on conditions in Yorkshire. The American papers from time to time gave accounts of subsequent reforms. For instance, the "Providence Journal" of May 14, 1833, prints a bill, then before Parliament, regulating the hours of labor, sanitation, and the guarding of machinery. A growing recognition of the needs of the children is perhaps shown by the founding of the "Children's Friends Society of Rhode Island," in November, 1836.<sup>38</sup>

Such were some of the influences which led to the introduction by Mr. Thomas R. Holden of Warwick, on Nov. 3, 1838, of an act providing that no child under twelve years of age should be employed in any manufacturing establishment, unless such child should have attended school at least three months of the twelve next preceding employment.<sup>39</sup>

The bill came before the Assembly several times during 1839,<sup>40</sup> but its opponents were successful in postponing a final vote until the January session of 1840. During the course of these several debates it was argued that such a law would inflict great hardship upon the children of the poor; that it was not to the interest of the manufacturers to employ minors, but this was done to relieve the necessities of parents. Also, the provision for school attendance would not be practicable since it was difficult to obtain appropriations for school money to be spent in manufacturing villages. It was further urged that the act discriminated against manufacturers; the restrictions should be made to apply to all employers of children. It is thus seen that the chief objections advanced against

<sup>38</sup> Providence Journal, Nov. 5, 1836.

<sup>39</sup> Journal of House of Representatives, Nov. 3, 1838; Providence Journal, Nov. 5, 1838.

<sup>40</sup> Journal of House, Feb. 2, 1839; Providence Journal, Oct. 30, 1839.

child labor legislation during recent years were prominent in the earliest debates on the subject.<sup>41</sup>

The advocates of the measure emphasized the distressing conditions of ignorance among the factory children, and the urgent need of laws to protect these little workers from the cupidity of their parents. Mr. Holden and Mr. T. T. Hazard, the chief champions of the measure, pointed out that Pennsylvania prohibited the employment of children under ten years of age, and that a law similar to the act under consideration, had given good results in Massachusetts. The bill "had met with the constant opposition of the manufacturers," but no one had given a good reason why it should be rejected. The House refused to postpone again the vote, and, January 25, 1840, the bill passed both branches of the Assembly.<sup>42</sup>

The act as passed required children under twelve, employed in manufacturing establishments, to attend school at least three months of the twelve next preceding employment. For each violation of this act the employer was to be fined \$50. A certificate signed and sworn to by the instructor would be deemed sufficient evidence that a child had attended school as required.<sup>43</sup>

*Enforcement of the 1840 Law.*—No one was made directly responsible for the enforcement of this law which was consequently respectfully disregarded by the manufacturers. It may be included in that class of early labor laws styled by Miss Whittelsey as "unenforcible threats."<sup>44</sup> The enactment was, however, a *public recognition* of the evils of child labor and as such was a step forward. Strange as it may at first appear, the law did

<sup>41</sup> Providence Journal, Feb. 4, 1839; Manf. & Farm. Journal, Jan. 27, 1840.

<sup>42</sup> *Ibid.*

<sup>43</sup> Public Laws, 1822-40, p. 2002.

<sup>44</sup> Annals American Acad. Pol. and Soc. Science, XX, 238.



not meet with the hearty approval of the school authorities. The truth is, the law was in advance of the educational facilities of the time; there were not then sufficient schools for the unemployed children, not to mention the children in the mills. Mr. Harris of Warwick, during the debate on an act proposed in 1850, said that the 1840 law "had been repealed at the suggestion of the School Commissioner, Mr. Barnard," and Mr. Cranston, upon the same occasion, remarked of the act that "so far as he recollected its results, they were unfavorable and prejudiced rather than favored the cause of education."<sup>45</sup> Mr. Harris was mistaken in thinking the law had been directly repealed. At the January session, 1844, an act was passed repealing all laws not contained in the revised statutes of that year, *with the exception* of the laws relating to public schools, which laws were continued in force until July, 1845. The law of 1840 was, therefore, repealed by being omitted from the general school law, drafted by Mr. Barnard, and which went into effect, as provided, in 1845.

*Causes for the Laws of 1853 and 1854.*—By the indirect repeal in 1845 of the 1840 law, Rhode Island was left without any legislation affecting child labor, and for the next decade the opposing interests successfully resisted all proposals for such a measure. During this period, the conditions regarding the number of factory children, their opportunities for education, and their hours of work reached such a stage as to cause the Legislature, in 1851, to order an investigation. The facts brought out by this inquiry were chiefly responsible for the laws of 1853 and 1854.

Mr. Barnard, Commissioner of Public Schools, reported that in 1845 the number of children over four and under sixteen years, was 30,000. Of these, about 18,000 were

\* Providence Journal, Feb. 1, 1850.

enrolled and the average attendance was but 13,500.<sup>46</sup> In ninety-six school districts the average term was thirteen weeks; in one hundred and sixty-six districts nine weeks.<sup>47</sup> For the year 1850 the average attendance was calculated to be 16,590, and the commissioner says, "It is seen that there are a large number who do not participate in our public schools and who are left to grow up in ignorance."<sup>48</sup> The census for this year shows 3,607 persons in Rhode Island over twenty years of age who could not read or write; of these 1,248 were of native birth. The public school commissioners during this period severely arraign the mill owners and the parents of factory children for encouraging such conditions.<sup>49</sup>

At the June session 1851, the Legislature authorized the Governor to appoint a commissioner to inquire into the conditions of child labor. The commissioner, Colonel Welcome Sayles, made a careful study of the situation and at the January session, 1853, submitted these statistics of child labor:

| CHILDREN IN MANUFACTURING ESTABLISHMENTS. |       |
|---|-------|
| Under nine years.....                     | 59    |
| Over nine and under twelve years.....     | 621   |
| Over twelve and under fifteen years.....  | 1,177 |
| Total under fifteen years.....            |       |
|   | 1,857 |

<sup>46</sup> Report of Commissioner of Public Schools, 1845, p. 35.

<sup>47</sup> Report of Commissioner of Public Schools, 1845, pp. 38, 39.

<sup>48</sup> Report, 1850, p. 2.

<sup>49</sup> The evil "lies deep down in the cupidity and negligence of parents, and the change which has been wrought in the habits of society by the substitution of the cheaper labor of children and females, for the more expensive labor of able-bodied men."—Barnard's Report, 1845, p. 37.

"Many who have health and strength, . . . yield to this temptation and live upon the labor of their children."—Report of Commissioner of Public Schools, 1852, p. 28.

"Besides, there are a large number of our own people native and foreign born, who have never been at school at all."—*Ibid.*, 1851, p. 4.

The commissioner was pleased with the favorable statistics regarding the employment of children under nine years of age. He said this was due "to the improvement of machinery which renders the employment of young children far less desirable." He remarks that in the employment of young children there had been a great improvement during the previous four years.<sup>50</sup> Yet in the same report, an instance is given of a child fourteen years of age, who had been employed since the age of seven, and the statement made that this was by no means a rare indication of the conditions prevailing in the mills.<sup>51</sup> The lack of educational opportunities is expressed in these terms: "It must be admitted that the great body of the operatives in the manufacturing establishments of our State, are without any adequate advantages for the most common education. It does not in my mind improve the matter or lessen the evil, that large numbers of these operatives are the children of foreigners." This condition was "by no means always the fault of the employer;" it was "often the result of seeming indifference of parents, sometimes of what they regard as their necessities."<sup>52</sup>

Those sections of the report dealing with the long hours of child labor were among the features which aroused the attention of the General Assembly.<sup>53</sup> As a remedy for these evils, Colonel Sayles recommended the passage of a law providing that:<sup>54</sup>

1. No child under twelve be employed in any manufacturing establishment.
2. No child between the ages of twelve and fifteen be employed more than nine months of each year.

<sup>50</sup> Report, p. 4.

<sup>51</sup> *Ibid.*, pp. 6, 7.

<sup>52</sup> Report, p. 6.

<sup>53</sup> See Chapter on "Hours of Labor."

<sup>54</sup> Report, pp. 7, 8.

3. No child between the ages of twelve and fifteen be employed for more than eleven hours in any one day.

4. A State Commissioner of Mill Help be appointed to visit all factories.

5. Ten hours to be a legal day's work for all persons unless otherwise agreed between the contracting parties.

It will be noted that the recommendation for a commissioner of mill help, is a very early proposal for establishing the office of factory inspector.

*The Law of 1853.*—The previous attempts at child labor legislation, combined with the recommendations of Commissioner Sayles, finally focussed the attention of the Legislature.<sup>55</sup> It is not probable that the laboring classes were of much importance politically at this time.<sup>56</sup> The example of England was a large influence and was often

<sup>55</sup> In January, 1845, the citizens of Bristol petitioned an act securing educational advantages to factory children. (*Mfg. & Farm. Jour.*, Jan. 13, 1845.) This petition was again before the Legislature in 1847 (*Ibid.*, Oct. 28, 1847); while the following year the matter was brought up by Wm. B. Spooner and others (*Ibid.*, Feb. 7, 1848). An act for the better instruction of factory children was introduced in October, 1849 (*Providence Journal*, Nov. 2, 1849).

January, 1850, Mr. Brown, of Cumberland, presented a bill providing that all factory children under fourteen be required to attend school three months out of the year (*Providence Journal*, Jan. 31, 1850). The support for this measure developed unexpected strength, and it was only after much debate and tactics of delay, that it was defeated (*Providence Journal*, Feb. 1, 1850). At the October session, 1851, Mr. Porter introduced an act "to limit the hours of labor and to prevent the employment of children in factories" (*Mfg. & Farm. Jour.*, Oct. 30, 1851). An act relating especially to the hours of child labor was before the Assembly in February, 1852 (*Mfg. & Farm. Jour.*, Feb. 9, 1852). These latter measures were quickly disposed of by the opposition.

<sup>56</sup> "The landless workingman and mechanic is as eligible to any office in this State as the richest landowner. Yet, it is believed that class is not represented by a single member either in the Senate or the House of Representatives of this State." *Mfg. & Farm. Jour.*, Sept. 4, 1851.

referred to during the debates. An act embodying the Commissioner's suggestions passed the Senate practically without dissent,<sup>57</sup> but in the House the measure met with the most vehement opposition and it was only after the provisions regarding education had been stricken out, that the bill passed.

The advocates of the bill as passed by the Senate, were led by George H. Brown, of Gloucester, whose speech deserves to rank among the best delivered in Rhode Island, on the subject of child labor. After analyzing the provisions of the bill, and outlining the experience of England, Mr. Brown continued: "Though I believe the condition of American operatives is by no means so deplorable as that of foreign laborers, it is not to be disguised that evils of great magnitude are springing from our present system of manufacturing and mechanical labor. The most superficial observer cannot have failed to notice the pallid countenances, apparently diseased forms, and heavy steps of those children, who through the cupidity of their parents or their employers, are doomed to such unremitting and long-continued toil as is detailed in the report on your table. I am credibly informed that there are mills wherein, owing to the present active sale of their goods, the operatives work from two, three, and four o'clock in the morning until nine in the evening." These ill-formed and ill-trained children, the speaker said, would in time themselves become the parents of other children, and the effect would thus be cumulative. It was a suicidal policy for the State to allow such conditions. The parents were the chief sinners, but the employers, also, forgot "in their cupidity their duty to their less favored fellow-men and above all to their country."<sup>58</sup>

<sup>57</sup> Providence Post, Feb. 3, 1853.

<sup>58</sup> Providence Post, March 3, 1853.

These arguments did not prevail against the practical interests of the opposition, which, under the leadership of Mr. Barstow, struck out the educational clauses and changed the hour at which children might begin work, from 6 to 5 a.m.<sup>59</sup> These changes were made by a strictly party vote, the Whig voting in the affirmative, the Democrats in the negative.<sup>60</sup> The bill as amended was then passed. The law provided that no child under twelve should be employed in any manufacturing establishment. An exception was made for children packing goods in factory warehouses. No child between twelve and fifteen years of age could be employed for more than eleven hours in any one day, and not before 5 a. m. or after 7.30 P. M. Ten hours was to be considered a legal day's work *unless otherwise agreed by the parties to the contract*. Any employer or parent who "knowingly and wilfully" violated the provisions of the act, would be liable to a fine of \$20 for each offense.<sup>61</sup>

*The Law of 1854.*—The exclusion of the provision for the education of factory children caused much dissatisfaction. The House had foreseen this and had passed a truancy law as a substitute for the sections stricken from the Senate child labor bill, but the Senate refused to accept this act.<sup>62</sup> The Providence Post had predicted that the action of the Whigs, in regard to the 1853 bill would receive "a severe rebuke from the people at the polls in April."<sup>63</sup> Be this as it may, the Whigs were defeated, and the Democrats came into power. At the January

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<sup>59</sup> Providence Journal, Feb. 24, 25; Providence Post, Feb. 24, 25, 1853.

<sup>60</sup> Providence Post, Feb. 25, 1853.

<sup>61</sup> Public Laws, 1844-1857, p. 945.

<sup>62</sup> Mfg. & Farm. Jour., Feb. 29, 1853.

<sup>63</sup> Providence Post, March 9, 1853.

session 1854, the law of 1853 was amended by adding the clause, that no minor under fifteen should be employed in any manufacturing establishment, unless he had attended school for at least three months of the year next preceding employment.<sup>64</sup> The penalty for violation was the same as for the 1853 law.

*The Truant Law of 1856.*—The idea of a truant law or any other phase of compulsory education was not kindly received by the Rhode Islanders. It is worthy of note that in 1843, Rowland G. Hazard, one of the most public-spirited citizens of the State, opposed any suggestion of compulsory education, as tending to break down personal initiative and responsibility.<sup>65</sup> Elisha R. Potter, while commissioner of public schools in 1851, argued that such a law would be “a deadly blow at the principles of self government.”<sup>66</sup> We have seen that the truant law was passed by the House in 1853, but was rejected by the Senate.<sup>67</sup> It was hoped that the child labor act of 1854, would improve the educational conditions,<sup>68</sup> but as this law did not seem to have an appreciable effect upon the school attendance, the support for a truant law became stronger and forced the passage of such an act at the May session, 1856. This law “authorized and empowered” each of the several towns of the State “to make all needful provisions and arrangements concerning habitual truants and children not attending school without any regular and lawful employment, growing up in ignorance, between the ages of six and fifteen years.” These town ordinances should

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<sup>64</sup> Passed Feb. 24, 1854, *Providence Journal*, Feb. 25, 1854.

<sup>65</sup> Report of Commissioner of Public Schools, 1854, p. 72.

<sup>66</sup> *Ibid.*, p. 75.

<sup>67</sup> *Mfg. & Farm. Jour.*, Feb. 29, 1853.

<sup>68</sup> By the State census of 1855 there were, in the City of Providence, nearly 3,000 illiterates. (Report of Commissioner of Public Schools, 1856, Report on Truancy, p. 25.)

provide for a suitable penalty not to exceed \$10, or detention of the truant in a house of reformation.<sup>69</sup>

*Administration of the 1853, 1854 and 1856 Laws.*—It will be noticed that none of these three laws had any adequate provisions for administration: no one person was made responsible for their enforcement. Immediately after the law of 1853 came into effect there was dissatisfaction caused by its non-enforcement, and a resolution was passed in November of that year, appointing a committee "to ascertain whether the manufacturing establishments conform to the law regulating child labor and the hours of labor."<sup>70</sup> There is no record of a report by this committee. The school commissioner, in his report for the year 1856, points out that less than half the children of school age throughout the State were to be found at any given time within the schools, the attendance being but 48 $\frac{2}{3}$  per cent., while the enrollment was but 69 per cent.<sup>71</sup> For the next year, 1857, he says: "The number of our children are annually increasing; while those of them which we are educating are actually decreasing."<sup>72</sup> The school authorities were of the opinion that "hardly a capitalist or manufacturing corporation in the State wilfully violates this law [of 1854] but were often urged contrary to their better judgment and determination by the parents."<sup>73</sup> Another reason given why children were sent to the mills instead of the schools, was that the Irish immigrants were opposed to the schools, "holding that religion may possibly receive some damage from an increase of knowledge."<sup>74</sup> In the early '60's absenteeism is termed

<sup>69</sup> Public Laws of Rhode Island, 1844-57, p. 1302.

<sup>70</sup> Mfg. & Farm. Jour., Nov. 7, 1853.

<sup>71</sup> Stockwell's History of Public Education in Rhode Island, p. 84.

<sup>72</sup> Report of Commissioner of Public Schools, 1857, p. 13.

<sup>73</sup> Report of Commissioner of Public Schools, 1857, p. 18.

<sup>74</sup> *Ibid.*, p. 15.



a "chronic disease." "The absentee," said the school commissioner, "is kept from school by a cause similar to the one which operated ten years ago upon an older brother and sister. One is sent to the cotton mill, another to the woolen factory, and others assist the father on the farm."<sup>75</sup> Passing over the next decade, we find the commissioner, in 1872, recommending as a remedy for illiteracy, "the *enforcement* of a law which shall not allow a child to be employed in a manufacturing establishment under twelve years of age."<sup>76</sup> The manufacturers of Connecticut, in 1870-73, complained against the enforcement of the law of that state requiring children under fourteen to attend school three months of each year, because of the loss of labor on the eastern border of the state owing to the "perfect freedom with which parents could work their children in Rhode Island."<sup>77</sup>

The State census of 1875 showed that there were 1,258 children under twelve employed in the mills. Of these children 599 were eleven years old; 433, ten years; 146, nine years; 64, eight years; 8, seven years; 5, six years; and 3, five years of age.<sup>78</sup>

Mr. Barnard, in his report for 1845, was of the opinion that a manufacturing community, "from its necessary concentration in villages" must be favorably situated for a public school system, but Mr. Higginson writing in 1875, tells us that Mr. Barnard's idea "has not stood the test of time."<sup>79</sup> Though the compactness of a factory village was favorable, yet such a village offered greater obstacles to a full attendance than the more thinly-settled farming

<sup>75</sup> *Ibid.*, 1862, p. 10.

<sup>76</sup> *Ibid.*, 1872. Italics mine.

<sup>77</sup> A. M. Edwards, *Labor Legislation of Connecticut*, p. 17.

<sup>78</sup> Report, Commissioner of Industrial Statistics, 1887, 1, 18.

<sup>79</sup> Thomas W. Higginson, *History of Public School System of Rhode Island*, p. 98.

towns. In speaking of conditions in 1875, he continues: "It is well known that by the joint influence of parents and manufacturing corporations, the laws are openly violated in many of our manufacturing villages; the laws, namely, which prohibit the employment in manufacturing establishments of children under twelve, and permit no minor under fifteen to be so employed unless after attending school three months of the previous year."<sup>80</sup>

There is reason, therefore, for the belief that these laws of 1853, 1854 and 1856 were disregarded by both parents and employers.

*The Truant Law of 1871.*—In connection with the non-enforcement of the laws enacted during the '50's, the very unsatisfactory conditions of education, especially those among the mill workers, have been noted. The need of public attention to this matter was emphasized by each of the annual reports of the school commissioner<sup>81</sup> and by the messages of Governor Padelford.<sup>82</sup> As a result of these efforts, the Legislature summoned up sufficient interest to pass the truant law of 1871 (Chap. 960 of 1871). This act was of little value since its general provisions are similar to those of the law of 1856 except that

<sup>80</sup>Higginson, *History of Public School System of Rhode Island*, pp. 98, 99.

<sup>81</sup>The school commissioner pointed out that 10,000 children of school age were growing up in ignorance. He asked: "May not our truant laws be so modified as to have a practical binding force in securing school attendance?"—Report, 1870, pp. 54, 55.

According to the census of 1870 the illiterates of Rhode Island over ten years of age, numbered 21,901. Of this number 4,444 were of native birth—an increase of 2,892 over the native illiterates of 1860.—Report of Commissioner of Public Schools, 1872, p. 61.

<sup>82</sup>There are now in our State more than 8,000 children between the ages of five and fifteen who are growing up in ignorance and without any school instruction. . . . I would, therefore, recommend a careful revision of the laws relating to truancy and absenteeism."—Governor Padelford's Message, 1870, pp. 6 and 7.

the phrasing is changed by "requiring" instead of "authorizing and empowering" the town and city councils to pass regulations regarding truancy. But there was no penalty for the non-enforcement of this "requirement," which the majority of the towns proceeded to ignore."<sup>83</sup>

### III. *Laws of 1883-1907.*

The law of 1883 may be taken as the beginning of a new phase of legislation, because this act is the first to provide definitely for officials for its administration. It is true, the appointment of these officers remained optional with the town and city councils, yet the means for enforcement were far in advance of the "unenforcible threats" of earlier days.

*Conditions Leading to the Truant Law of 1883.*—During the period from 1856 to 1883 there was practically no legislation bearing on child labor, the only exception worthy of notice being the ineffective truant law of 1871, which has been considered. During the later '50's there were indications that the idea of restricting child labor

<sup>83</sup>The number of truant children in the city of Providence was large, and, said the committee, "what is worse, is increasing." Report of Commissioner of Public Schools, 1872, Appendix, p. 8. . . . Cranston had not passed truant laws, p. 63. . . . "Left to work" was written opposite the names of the best students of Cumberland, p. 67. . . . In Woonsocket, 800 children of school age did not attend school. "No small fraction of these children are in our mills, there contrary to law," p. 142.

In 1874, Bristol complains of absenteeism. Reasons for non-attendance: 1. Child labor was profitable; 2. Laws were disregarded with impunity. Report of Commissioner of Public Schools, 1874, Appendix, p. 30.

For other complaints of absenteeism, see Report of Commissioner of Public Schools, 1874, Appendix, pp. 30-43.

"Ought not some measures be devised to stay these threatening evils, which are increasing year by year, and some system of compulsory attendance at the public schools be adopted?"—Governor Padelford's Message, 1873, p. 7.

would make rapid progress, but the great struggle between the States swept over the country, and the public mind had no attention for other matters. National affairs, especially those dealing with the currency, seem to have continued to monopolize the attention of the State Legislature long after the close of the Civil conflict. It must also be noted, that in these years the manufacturers increased in wealth and political power and were rewarded with success in their opposition to labor measures. During this period the mill help came to be composed to a large degree of foreigners and the children of foreigners, especially French Canadians. These immigrants probably were not represented in the legislative halls—aliens were not given the suffrage until 1888—and thus had small political power to support their economic claims. With the exception of those from England, our immigrants do not as a rule demand progressive labor legislation; their economic and social opportunities are so superior to those in their native countries, that they are not vigorous complainants. Again, it is possible that our legislators are not as sensitive to oppressive conditions among the immigrant laboring classes as they are to similar conditions among native workers. Such seem to be some of the probable reasons why there occurred a decided lapse in child labor legislation during the period from 1856 to 1883.

During the above mentioned period, there were manifest evils of child labor and non-attendance at public schools. The violation of the labor laws and the failure of the schools to reach the factory children, have already received some attention in this paper in connection with the administration of the laws of 1853, 1854, 1856, and 1871. These evils were not abated in subsequent years. To speak in mathematical terms, absenteeism is a function

of child labor; the statistics of the two rise and fall together; if the child of school age is not in school, he is most likely to be in the mill or shop.

The situation was summed up by Governor Lippitt in his message of 1876: "We learn that out of a population of 53,316 children of suitable school age, the average attendance is only 26,163, or more than half the children in the State are not in regular attendance at the public schools, but to a large extent are growing up in ignorance. Is it not time that education should be made so compulsory as to bring all children into our schools, for at least three months in the year?"<sup>84</sup> The *Semi-Weekly Journal*, March 9, 1880, stated in an editorial that one-fifth of the children of Providence did not attend any school. It also expressed the opinion that, . . . "the conflict of authority as between the State and the parents" was "one difficult of adjustment under our theory of government."

Governor Van Zandt, in 1880, speaks of "the demand and also the necessity for juvenile labor" as being one cause of the large number of absentees from school.<sup>85</sup> In the State Senate, 1881, Mr. Cross remarked that "as a matter of fact about one-fourth of the children of the State grow up in ignorance." Mr. Bourn of Bristol asked to which towns the speaker referred. Mr. Cross replied, "I guess it is pretty much all the towns."<sup>86</sup>

School conditions did not improve, and in 1883 the matter was again placed before the Legislature by a Governor's message: "It is, however, a lamentable fact that the number of children in this State who are not reached by either public or private schools, is steadily increasing.

<sup>84</sup> Governor Lippitt's Message, 1876, pp. 9 and 10.

<sup>85</sup> Governor Van Zandt's Message, 1880, p. 8.

<sup>86</sup> Providence Journal, April 27, 1881.

From 1879 to 1882, the increase in the number of children of school age, according to our annual school census, has been 6,270, while the increase in non-attendants for the same time has been 3,277. At the present time the entire number of such non-attendants is nearly 14,000, or about 25 per cent. of the number of children of school age. Large as this number is, its chief significance lies in the fact that it is a growing evil."<sup>87</sup>

*The Law of 1883.*—As a result of these conditions, several proposals were made before 1883 to change the truant law, but these failed to gain the necessary support.<sup>88</sup> That the act of 1883 (Chapter 363) did not meet with vigorous opposition was perhaps due to the fact that this law, in many respects, was retrogressive as compared with the then existing statutes. The act provided that all children between seven and fifteen years should attend a public day school at least twelve weeks in the year, six of these weeks to be consecutive. Children attending private school, those who had mastered the subjects taught in the public schools, and those physically incapacitated, were

<sup>87</sup> Governor Littlefield's Message, January, 1883, p. 8.

<sup>88</sup> April, 1878, the Senate Committee on Education reported a bill placing a fine of \$100 on such town councils as failed to appoint a truant officer. This was later amended by giving the State Commissioner of Education power to appoint such officers for delinquent towns, the expense to be borne by the towns. This measure passed the Senate, but failed to gain attention in the House. (Providence Journal, April 11 and 12, 1878.)

In April, 1881, a truant bill along the same lines as the law of 1883 was before the General Assembly. The act passed the House April 12, but was finally postponed until the May session, 1881, at which session it was not considered. (Providence Journal, April 13, April 27, 1881.)

A truancy bill was again introduced at the January session, 1882. On March 1 it was given a public hearing and April 21 was laid on the table by the Senate. (Providence Journal, March 2, April 22, 1882.)

excused from this provision. No child under fourteen could be employed in a manufacturing or mechanical establishment, except during vacation, unless he had attended school twelve weeks of the year next preceding employment; and no child under fifteen could be employed who could not write his name, age, and residence. No child under ten years of age was to be employed in any mechanical or manufacturing establishment. An employer violating these provisions would be liable to a fine of \$20 for each offense. Each employer of children was required to keep on file a certificate of the place and date of birth of every child so employed, and in case the child was under fourteen, the certificate was to contain a statement of the school attendance signed by an official of the district school committee. The town councils were required to appoint annually one or more special constables to be truant officers.<sup>89</sup> These officers should inquire into all violations of the law when so directed by the school committee, and were required to visit each manufacturing establishment at least once a term. They were further empowered to demand of the employer the names of children under fifteen years and the certificates of age and schooling. A failure to produce such certificates would be regarded as evidence of illegal employment of children. Section 18 of this act repealed the law of 1853 and 1854. (Public Statutes, Chap. 60 and Chap. 169, Sec. 21-24.)

This law marked a decided step backward because it reduced the age limit for child labor from twelve to ten years, and repealed the act of 1853 which limited the hours of such labor. The law of 1853 prohibited children

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<sup>89</sup> The law as originally passed referred only to town councils; by an act of May 29, 1884 (Chap. 457) this was amended by including "the city councils of each city."

under fifteen from being employed over eleven hours a day or before 5 a. m. or after 7.30 p. m. The act of 1883 repealed these provisions and substituted nothing in their stead.

The plan of appointing truant officers was a progressive step, but the law was weak in that the matter of appointing the officers remained optional with the towns and cities. The provision requiring employers to keep on file for inspection the age certificates of their minor employees, is a new and progressive feature, which we see developed in subsequent laws.

*Administration of 1883 Law.*—The administration of the 1883 statute was in many respects inadequate, yet, for the first three years after its passage, it was better enforced than had been previous laws.<sup>90</sup> The school commissioner reported that all but ten cities and towns appointed truant officers, “and the law was enforced to a greater or less extent.”<sup>91</sup> In 1883, the number of children five to fifteen years of age not attending any school was 14,706;<sup>92</sup> in 1885, this number had been reduced to 11,222.<sup>93</sup> Several of the towns complained that their enforcement of the law placed them at a disadvantage with neighboring competitors. Strange to relate, the city of Providence ignored the statute.<sup>94</sup>

*The Ten-Hour Law of 1885.*—It was soon recognized that a mistake had been made in repealing all restrictions on hours of labor. In 1885, an act was passed limiting the hours of work for women and children in manufacturing establishments to ten hours a day and sixty hours a week. (Public Laws 1885, Chapter 519.) This im-

<sup>90</sup> See Governor Bourn's Message, January, 1885.

<sup>91</sup> Report of Commissioner of Public Schools, 1885, p. 15.

<sup>92</sup> *Ibid.*, 1883.

<sup>93</sup> *Ibid.*, 1885.

<sup>94</sup> *Ibid.*, 1885, p. 15.



portant law will be discussed in a chapter on "The Hours of Labor."

*The Truant Law of 1887.*—The law of 1883 was termed by the commissioner of public schools a "permissive" measure, since it contained no coercive provision to cause the towns and cities to appoint truant officers. The school authorities said the employers were ready to recognize their obligations "if the law could be made compulsory so as to place the manufacturers of all towns on an equal footing."<sup>95</sup> There had been improvement during the three years following 1883, but in 1887 there was a sudden increase in the number of absentees.<sup>96</sup> By the national census of 1880, it appeared that only one of the States and territories—New Mexico—stood lower than Rhode Island in the illiteracy of its foreign-born population.<sup>97</sup> The State census of 1885 seemed to show that the children of the foreign-born were making educational progress, while the children of native parents were going backward.<sup>98</sup> The State census and the school reports give the mill towns as leading in absenteeism.<sup>99</sup>

To meet these conditions, the truant law of 1887 was

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<sup>95</sup> Report of Commissioner of Public Schools, 1884, p. 12; 1885, p. 112.

<sup>96</sup> *Ibid.*, 1887, p. 125.

<sup>97</sup> Report of Commissioner of Industrial Statistics, 1887, pp. 72, 73.

<sup>98</sup> *Ibid.*, p. 74.

<sup>99</sup> The state census, 1885, shows 8,001 children, seven to fifteen years of age, at work. Of these, 6,420 were in mechanical or manufacturing establishments. The commissioner of industrial statistics was of the opinion that these children did not attend school the requisite time.—Report Commissioner Industrial Statistics, 1888, p. 122.

School attendance was lowest in the towns of Warwick, Warren, Coventry, North Smithfield, Johnson, Smithfield, Lincoln and Providence. The towns of Woonsocket, North Smithfield, Warren, Coventry, and Lincoln were leaders in illiteracy.—State Census of 1885, cited by Commissioner Industrial Statistics, 1888, pp. 124, 125.

passed. (Laws of 1887, Chapter 649.) The bill as passed by the House placed the age limit at twelve years and the minimum school attendance at twenty weeks.<sup>100</sup> Mr. Freeman was opposed to such a law because it would cause children between ten and twelve to "loaf in idleness" during vacation.<sup>101</sup> Mr. Curtis thought work between ten and twelve years was beneficial.—"If they are not employed in the mill, they would be engaged in some other deviltry."<sup>102</sup> The reduction of the minimum school attendance to twelve weeks and the age limit to ten years, was advocated before the Senate committee by a number of prominent manufacturers, school committees, and the commissioner of public schools.<sup>103</sup> The House vigorously opposed the Senate amendment giving the school committee power to excuse children from attendance. The Senate threatened to kill the entire bill if this clause was not incorporated and the House submitted.<sup>104</sup>

The most important clause of this act provided that fifty per cent. of the State school appropriation be withheld from towns not complying with the truant law. It was thought this would give the coercive element which was so plainly lacking in previous truant laws. The general context of the law is similar to that of 1883. There are, however, some important differences. For instance, the law states that no child under ten years of age should be employed in any manufacturing, *mercantile, telegraph* or *telephone* establishment, *while school was in session*. The law is hereby strengthened in one respect and weakened in another, for the act of 1883, while it applied only to manufacturing establishments, prohibited the employ-

<sup>100</sup> Providence Journal, April 23, 1887.

<sup>101</sup> *Ibid.*, March 11, 1887.

<sup>102</sup> *Ibid.*

<sup>103</sup> Providence Journal, May 6, 1887.

<sup>104</sup> *Ibid.*, May 7, 1887.

ment of children under ten years of age at *any* time. A refusal by the employer to show certificates was punishable with a fine of \$10; the old law simply held that such refusal would be deemed an evidence of illegal employment of children. The appointment of city truant officers is placed with the Board of Aldermen instead of the city council. One of the weakest parts of the law is that giving the school committee power to excuse children from school attendance for the required twelve weeks. Perhaps, the Senate was conscious of this fact.

*Enforcement of the Law of 1887.*—This law was not enforced. We find the State Board of Education, 1888, saying: "We have a truant law, but it is not enforced—in many places it is utterly disregarded.—Appointed by the party in power, they [the truant officers] have a strong inclination to serve their friends and cater to their interests. In many towns their compensation is not enough to support them, and as overseers they become employers of these very children who should be in school."<sup>105</sup> In Woonsocket, children "reached the age of fifteen in a surprisingly short time" and truant officers were removed if they did not "please the 'bosses.'"<sup>106</sup>

For the years 1885-1888, the State's school population between five and fifteen years increased 6.2 per cent. It is natural to suppose that about one-half, or 3.1 per cent. of this increase would be for children ten to fifteen years of age. We find, however, that the number of children of the latter age increased only 1.1 per cent.,<sup>107</sup>—showing

<sup>105</sup> Report, 1888, pp. 14-15.

<sup>106</sup> Letter of Supt. McFee, Woonsocket Public Schools, Dec. 14, 1887. (Report of Commissioner of Industrial Statistics, 1887, p. 19.)

<sup>107</sup> Report of Commissioner of Industrial Statistics, 1888, p. 125.

The town of Warwick for this period showed a gain of 817 for children five to fifteen years, and a gain of only 64 for those of ten to fifteen years.

that either the mortality of such children was unusually large, or the veracity of their parents unusually small. For the year 1889, in the town of Johnston, which then included the manufacturing center, Olneyville, less than fifty per cent. of the children of school age were in regular attendance.<sup>108</sup> During the same year, Governor Taft found it necessary "to call attention to the evasions of the truant law."<sup>109</sup>

Commissioner Stockwell thus sums up the causes for the poor administration of the law:<sup>110</sup>

1. Indifferent Public Opinion: "The people had not yet become sufficiently aroused to give voice to their belief.
2. Indifferent Officials: Truant officers had no interest in education.
3. Opposition of Manufacturers: The interests of persons of power and influence was opposed to the enforcement of the law," and the official finds it easier to yield to such influences than to withstand them.

*School Law of 1893.*—At the May session, 1893, the law of 1887 was amended so as to require that all children between seven and fifteen years should attend school eighty full days of each year. (Laws 1893, Chapter 1213). This increased the school period by twenty days, as the previous requirement had been twelve weeks, containing sixty school days. It has been seen that the existing laws were not well enforced. Could parents and employers, who had disregarded the law requiring sixty days school attendance, be expected to enforce the one requiring eighty days? The law states definitely, that children

<sup>108</sup> Report of Commissioner of Public Schools, 1889; Appendix, p. 24.

<sup>109</sup> Message of Governor Taft, January, 1889.

<sup>110</sup> Report of Commissioner of Public Schools, 1887, p. 124.

lawfully employed—those ten years of age and upwards—were exempt from the eighty day rule; this exemption had been implied, but not expressed in the laws of 1883 and 1887. A provision is also added that children destitute of suitable clothing should be excused from attending school.

*Administration of the Ten Year Age Limit.*—The age limit for employing children in manufacturing establishments was reduced to ten years by the law of 1883. Was this provision of the law enforced? Necessarily it was better observed than the twelve year limit, but the sad fact remains that even this low age requirement of ten years was frequently disregarded. This abuse of child labor was one chief cause for the factory act of 1894. These violations occurred not only during the early '80's, but also after 1885 when the movement for labor legislation had taken definite shape.

The commissioner of industrial statistics reported in 1887 that "the law in regard to child labor is not generally observed." In visiting the mills he had found children at work "who could not have been over eight years of age." It was explained that these children were only visitors who had brought the dinner of older members of their families, or who were taking, for a few minutes, the places of their older brothers or sisters.<sup>111</sup> At Jackson and Fiskville children under ten were employed.<sup>112</sup> In another mill the children were closeted when the truant officer came around.<sup>113</sup> In one town when the mill owner discharged twenty-six children as under age, they went across the township line and were employed in a rival

<sup>111</sup> Report Commissioner of Industrial Statistics, 1887, pp. 17, 18.

<sup>112</sup> Report Commissioner of Public Schools, 1887, p. 30.

<sup>113</sup> Speech of Mr. Newell, of Lincoln, House of Representatives, March 10, 1887. (Providence Journal, March 11.)

mill.<sup>114</sup> Instances were cited of the French-Canadians sending their children at the age of eight years into the mills.<sup>115</sup> In 1888, the United States commissioner of labor made a report on the working women of large cities. Of 610 women included in the report for Providence, two had begun work at 7 years, two at 8, eleven at 9, and twenty-six at 10 years of age.<sup>116</sup>

In 1890 the charge was made that in Warwick thousands of children were employed contrary to the statutes.<sup>117</sup> The commissioner of public schools for the same year was of the opinion that in many cases children "much younger" than ten years were forced into the mills and shops.<sup>118</sup> A clergyman wrote that he knew of children "seven, eight, nine, and ten years old working for five and ten cents a day;"<sup>119</sup> another churchman told of "hundreds working ten hours daily, from eight to ten years."<sup>120</sup> Added to this evidence are the numerous complaints by mill workers against the violations of the law.<sup>121</sup>

<sup>114</sup> Speech of Mr. Freeman, General Assembly, March 10, 1887. (Providence Journal, March 11.)

<sup>115</sup> Speech of Representative Newell, March 23, 1888.

<sup>116</sup> Report of United States Commissioner of Labor, 1888, p. 149.

<sup>117</sup> Speech of State Senator Owen, May 2, 1890; Providence Journal, May 3.

<sup>118</sup> Report of Commissioner of Public Schools, 1890, p. 136.

<sup>119</sup> Fifth Report Commissioner Industrial Statistics, p. 25.

<sup>120</sup> *Ibid.*

<sup>121</sup> Returns of employees to Commissioner of Industrial Statistics: Weaver—"We see with sorrow children employed that are almost babies."—Report, 1889, p. 150. . . . Spinner, Lonsdale—"the truant law is not enforced, for there are boys here nine years of age that never go to school."—Report, 1887, p. 42. . . . Weaver—"Children are employed who should be at school. Many of them do not look to be six years of age."—Report, 1889, p. 153. . . . Cardmaker—"The child labor laws are totally disregarded," p. 154. . . . Can-room employee—"Small help are employed ranging from seven to fifteen years of age," p. 154.

*The Factory Inspection Act of 1894.*—The numerous violations of the law, gave impetus to a movement for the appointment of a state factory inspector, and for increasing the age limit to twelve years. Beginning with the year 1890, a more active public interest seems to have been taken in child labor. The commissioner of industrial statistics, for 1891, wrote: "Moral influences have been at work upon both parents and those employing children. That people of all classes more fully realize the fatal results of putting children to work \* \* \* at an age when their bodies cannot stand the burden placed upon them, there can be no doubt."<sup>122</sup>

Of seventy-four school officials, clergymen and physicians, replying to inquiries by the commissioner, one wished the age limit placed at 7 years; three at 8 years; twelve at 10 years; thirty at 12 years, six at 13 years; eleven at 14 years; and eleven at 15 years. Sixty of these men thought employment had a bad effect upon the health, morals and education of children; ten were of the opinion that such employment was beneficial.<sup>123</sup> It is an interesting illustration of the vitality of the old ideas regarding child labor, that of some seventy men representing the highest professions, *ten thought such labor advantageous, and sixteen placed the age limit at ten years, and four even as low as eight years.* But, as is seen, the majority were in favor of advanced standards.

Mr. Stockwell, commissioner of schools, was a powerful influence standing for the rights of the children; we find him, in 1894, saying:—"For fifty years then we see that there has been positive law against this perversion of child life and energy, and it still exists. Surely the State cannot have done its full duty by itself or by these

<sup>122</sup> Fifth Report Commissioner Industrial Statistics, p. ix.

<sup>123</sup> *Ibid.*, pp. 61, 62.

little ones in allowing its authority to be thus set at naught."<sup>124</sup>

Governor Davis, in 1891, pointed out that violations of the child labor law were "altogether too common," and recommended that the commissioner of industrial statistics be charged with the enforcement of these statutes.<sup>125</sup> In 1894, Governor Brown recommended that the age limit be placed at thirteen years, and called attention to the charge that many families came to Rhode Island because children could there be put to work at an earlier age than in neighboring States.<sup>126</sup> The various civic and charitable organizations of women—especially those represented in the Women's Council of Providence—were among the most influential forces supporting this progressive movement. The Democratic party had for several years been advocating the further restriction of child labor, and in 1891, the Republican state platform called for the enforcement of the child labor laws.

These influences forced the enactment of the factory law of 1894.<sup>127</sup> The measure prohibited the employment of children under twelve years of age, in manufacturing or mercantile establishments, and required that employers keep a register of the name, age, and birthplace of all children employed under sixteen years of age. The law applied to all manufacturing or mercantile establishments employing five or more persons. Children under sixteen were prohibited from cleaning machinery while it was in motion. The Governor was authorized to appoint two factory inspectors, one of whom should be a woman, to

<sup>124</sup> Report, 1894, p. 236.

<sup>125</sup> Governor Davis' Message, January, 1891.

<sup>126</sup> Governor Brown's Message, January, 1894.

<sup>127</sup> A similar measure was before the Assembly in 1890, and was passed by the House. (*Providence Journal*, March 28, 1890.) The bill, in various versions, was presented several times during the succeeding three years.



inspect the establishments and enforce the law. Any person who knowingly permitted any child to be employed in violation of the act would be liable to a fine of not over \$500. (Laws of 1894, Chap. 1278). The other provisions of this law will be discussed in a chapter on "Factory Acts."

Several laws were subsequently passed which strengthened the statute of 1894. In 1898, the school committee of the city of Providence were authorized to divide the school year into two equal terms, and all children between seven and fifteen were required to attend for at least the whole of one term of each year. The same exceptions were made as in the truant law of 1887. (Laws of 1898, Chap. 587).

By an act of 1899 (Chap. 708) the factory inspectors were required, in addition to their other duties, to enforce the ten hour law regarding the labor of women and children. Another important measure regarding the administration of the truant law was that of 1901 (Chap. 924), providing that the town school committees, instead of the town councils, should appoint the truant officers, whose salaries should be paid out of the school appropriation. Hitherto, the town councils had fixed the compensation of these officers, and there had been no special fund for this expense.

*Truant Law of 1902.*—During the eight years following 1894, the matter of compulsory school attendance gained increased attention, this being due in large measure to the persistent efforts of School Commissioner Stockwell and Mr. G. E. Whittemore, Truant Officer of Providence. Commissioner Stockwell pointed out that the State had been "derelict in its duty in this matter of the enforcement of the compulsory law," and that Rhode Island had "practically become a dumping ground where

neighbors on the North and West deposited their poorest and least welcome inhabitants."<sup>128</sup> The philanthropic and civic organizations of Providence urged the enactment of a better law. Political influences also entered, as elections were being more closely contested and the Democratic party, under the leadership of Dr. Garvin, by its advocacy of labor legislation, was making a strong plea for the labor vote.

The truant law was passed in 1902 (Chap. 1009), was drafted by a committee of the State Teachers' Association, and was a modification of a bill drawn by Mr. Whittemore. By this act, the age limit for the employment of children during *the school session*, was raised to thirteen years. The weakening exception was made authorizing the school committee to excuse a child twelve years of age, upon the written statement by the overseer of the poor that the wages of such a child were necessary to the support of the family, or that the child was destitute of clothing suitable for attending school. During vacations, the law of 1894 still held, making the age limit twelve years. Vacations were, however, made much shorter, as children under thirteen were required to attend school during the entire session. The clause fixing a penalty reads: "Every person, whether principal or agent, who shall employ or permit to be employed or shall aid or abet the employment of children" in violation of this act "shall for every such offense or neglect of duty be fined not exceeding twenty dollars." It is seen that this is an improvement over previous provisions, for the penalty applies to both parents and employers, and the weakening word—"knowingly"—is omitted. This statute, in so far as not in conflict with the factory act of 1905, is the truant law at the present time.

<sup>128</sup> Report of Commissioner of Public Schools, 1900, p. 78.

*Administration of the Child Labor Law, 1894-1905.*— During the decade following the passage of the factory inspection act, conditions regarding child labor showed decided improvement, but it cannot be said that the law was rigidly enforced. From many different sources, the writer has been informed that during this period no serious attempt was made by the inspectors to carry out the provisions of the statute. It cannot be accurately ascertained how far these charges are true. However, this at least may be said: the inspectors seem not to have been very strenuous in their inspections and the manufacturers were not troubled with prosecutions. Still, there was a substantial gain. Perhaps the inspectors were weak on prosecution but strong in persuasion. The mill owners were more fully realizing the evils attending the employment of young children, and the expression of public opinion as contained in the statute caused many to adopt a more progressive attitude. The statistics of school attendance are generally a fair index of conditions of child labor. The following are taken from the reports of the school commissioners:

|           | Percentage of enrollment to school population. | School population 5 to 15 years inclusive. | Children 5-15 years not attending any school. | Children 7 and under 15 not attending any school. | Children 7 and under 15 attending less than required period. | Percentage average attendance public schools. |
|-----------|--|--|---|---|--|---|
| 1890..... | 81.5   | 64,960                                     | 12,044  | 4,292   | 755  | 64.2  |
| 1892..... | 81.8   | 69,004                                     | 12,558  | 4,164   | 658  | 70.2  |
| 1893..... | 81.7   | 71,851                                     | 13,134  | 4,387   | 748  | 67.0  |
| 1894..... | 83.8   | 73,290                                     | 11,877  | 3,505   | 2,371  | 69.3  |
| 1895..... | 85.4   | 73,175                                     | 10,659  | 2,688   | 1,634  | 70.8  |
| 1900..... | 87.4   | 82,239                                     | 10,357  | 2,392   | 1,224  | 70.1  |
| 1905..... | 83.7   | 95,377                                     | 15,558  | 1,208 <sup>120</sup>                              | ....   | 75.4  |

<sup>120</sup> Children seven and under thirteen not attending according to law of 1902.

The statistics show that the number of children seven and under fifteen years of age not attending school has steadily declined, and that the percentage of enrollment has, for the most part, increased. This tends to indicate that child labor has decreased. However, the large percentage of daily absentees from the public schools—some 30 per cent.—points in the opposite direction.

Improving conditions are indicated by the national census statistics of wage earners in Rhode Island manufactures:<sup>180</sup>

|           | Total  | Men over 16     | Women over 16   | Children over 16 |
|-----------|--------|-----------------|-----------------|------------------|
| 1880..... | 62,887 | 37,060<br>58.9% | 18,270<br>29.1% | 7,548<br>12.0%   |
| 1890..... | 81,111 | 49,684<br>61.2% | 25,602<br>31.6% | 5,825<br>7.2%    |
| 1900..... | 98,813 | 64,508<br>65.3% | 29,269<br>29.6% | 5,036<br>5.1%    |

The reports of the factory inspectors show that the percentage of employees under sixteen years of age has steadily declined since the establishment of the department. In 1894, of the total number of workers, 8.5 per cent. were under sixteen; by 1907, this had been reduced to 4.5 per cent.<sup>181</sup> It will be noted that there is a close

<sup>180</sup> Twelfth U. S. Census, Vol. VIII, p. 808.

<sup>181</sup> Report Factory Inspectors, 1907.

| Year      | —Number of—        |                      | Per cent.<br>of<br>children |
|-----------|--------------------|----------------------|-----------------------------|
|           | adults<br>employed | children<br>employed |                             |
| 1894..... | 55,109             | 5,217                | 8.5                         |
| 1895..... | 53,523             | 4,473                | 7.7                         |
| 1896..... | 50,068             | 4,065                | 7.5                         |
| 1897..... | 56,072             | 4,786                | 7.9                         |
| 1898..... | 63,259             | 4,539                | 6.5                         |
| 1899..... | 72,296             | 4,666                | 6.0                         |
| 1900..... | 76,552             | 5,253                | 6.4                         |
| 1901..... | 81,496             | 5,068                | 5.8                         |
| 1902..... | 86,043             | 5,477                | 6.0                         |
| 1903..... | 90,165             | 6,451                | 6.7                         |
| 1904..... | 88,545             | 5,895                | 6.2                         |
| 1905..... | 112,377            | 6,917                | 5.8                         |
| 1906..... | 123,112            | 6,932                | 5.3                         |
| 1907..... | 131,059            | 6,150                | 4.5                         |

agreement between the statistics of the national census for 1900 and the inspectors' report for that year; the census gives the number of employees under sixteen years as 5,036; the report places the number at 5,253.

There is, however, evidence that the law was not strictly enforced. Miss H. B. Sewell, writing of child labor conditions in a bulletin of the United States Bureau of Labor, 1904, says:—"There was evidence that children under twelve years of age were employed, and that children between twelve and fifteen years of age were employed without school attendance. In some manufacturing towns the provision for schooling was not sufficient to accommodate all children of school age and the proportion of those who attended fell below the average for the State. In these towns the salaries of the truant officers were often so small that they could give very little time to the duties of the office, or their interests were opposed to a zealous search for truants. The villages belonging to these towns were largely inhabited by French-Canadians and Italians who had come for employment in the mills, many of whom were eager to profit by their children's labor, and occasionally succeeded in securing employment for children under twelve years of age."<sup>182</sup>

This must, however, be pointed out here: of the 1,213 children in ten factories, 78 were especially investigated by Miss Sewell. Of these 78 children, none was found to be under twelve years of age, and only one had been under age when first employed.<sup>183</sup>

In the United States census bulletin No. 69, is contained the results of a special investigation of child labor in the *cotton mills* of township of Warwick, for the year

<sup>182</sup> Bulletin of U. S. Department of Labor, 1904, p. 488.

<sup>183</sup> *Ibid.*, p. 520.

1900. Forty-five children under twelve were found employed. Of these, three were 9 years of age; six were 10 years; and thirty-six were 11 years of age.<sup>134</sup> The number of children between the ages of ten and fourteen employed in gainful occupations is given as 491,<sup>135</sup> of which 488 were in the cotton mills.<sup>136</sup> It appears, therefore, that at least 42 of the 45 children under twelve were in the cotton mills. For the *entire State*, the number of operatives under twelve in the cotton mills is given as 65<sup>137</sup> It has been seen that 45 of these were in Warwick. The question arises whether or not the returns for all parts of the State were as carefully made as those given for Warwick. Is it probable that of the violations of the child labor law in cotton mills, three-fourths of such offenses occurred in this single town. This report deals only with cotton mills and does not consider violations in other industries.

For conditions in February 1905, Mr. Owen Lovejoy says:—"In Rhode Island, where a twelve year age limit is legal for work in the mills, and school children of twelve may be granted a certificate to labor upon recommendation of the overseer of the poor, it would seem that a standard so low would invite universal obedience. On the other hand it is found that there are townships in which no effort is made to enforce even this minimum requirement, and children ten and eleven years of age are found in the mills, while of the twelve-year-old children, only a few appear ever to have heard of such an article as an age or schooling certificate."<sup>138</sup>

At the request of the House Committee on Special

<sup>134</sup> U. S. Census Bulletin, No. 69, p. 56.

<sup>135</sup> *Ibid.*, p. 56.

<sup>136</sup> *Ibid.*, p. 49.

<sup>137</sup> *Ibid.*, p. 43.

<sup>138</sup> *Annals Amer. Acad. Pol. and Soc. Science*, Vol. XXV, p. 45.

Legislation, the National Child Labor Committee, in March 1905, made an investigation of child labor conditions in the principal factory sections of the State and reported that young children in unusually large numbers were employed in gainful occupations, and that illiteracy among the factory children was alarmingly prevalent. In many factories children twelve and thirteen years of age were employed to labor at night; and it was a common practice to utilize children even below this minimum legal age by permitting them in the mills as helpers of older members of the family, or of other persons.<sup>189</sup>

These were conditions as to the enforcement law in the last years of the period, 1894-1905. It is not probable that the administration was more efficient during the earlier years of that decade. Therefore, as was indicated in the introductory sentences of this section, it may be said that though conditions improved, there were still many lapses in the administration of the law.

*The Law of 1905.*—In 1905, the forces against child labor in Rhode Island combined to raise the age limit to fourteen years. Massachusetts and Connecticut had long since passed such a law, and the low standard of Rhode Island caused many low grade workers to move into the State in order to put their children in the mills at an earlier age. The National Child Labor Committee sent its best men to Providence to direct the fight for the law. Chief Factory Inspector Hudson coöperated with these men and it was chiefly through his influence that a bill containing practical, rather than very advanced, provis-

<sup>189</sup> Particular instances cited by the report: "Little Mary ———, who is only twelve years old, has already been in the factory a year. Albert ———, who is thirteen, weighs 50 lbs., and is less than 4 feet tall. . . . Alfred is twelve and has been working since September. . . . Arthur ———, who is fifteen years old, has worked four and a half years; he could read when he left school at ten years of age, but has forgotten now."

ions, was presented to the Legislature. A bill of a different nature would not have passed the State Senate. The interests of organized labor were represented by Messrs. T. F. Kearney and T. P. Powers, while Bishop McVickar marshaled the powerful influence of the church. Governor Utter gave the movement splendid support and is still one of the foremost champions of the children's rights.

By the act which passed March 9, 1905 (Chap. 1215), it was decreed that no child under thirteen, on or before December 31, 1906, and no child under fourteen after that date, should be employed in any factory, manufacturing or business establishments within the State. Employment of children under sixteen before 6 o'clock A. M. or after 8 o'clock P. M., was prohibited. An exception was made so that the restriction should not apply to mercantile establishments on Saturday or on the four days immediately preceding Christmas of each year. Children under sixteen were prohibited from working in any manufacturing or business establishment unless provided with a certificate certifying that such child before December 31, 1906, was thirteen years of age, and after that date, that the child was fourteen years of age. This certificate was to be issued by the school committee and substantiated by an attested copy of birth certificate, baptismal certificate, or passport, stating also the name and place of residence of the person having control of the child. Employers refusing to show certificates to inspectors are liable to a fine of not less than \$10 nor more than \$50. It was specifically provided that the law should *not* apply to children employed in *household service or agricultural pursuits*. The penalty for violation of the act either by employers or by parents is, as in the law 1894, a fine of not more than \$500.



The exceptions by which children are allowed to work at night on Saturdays and four days previous to Christmas, are objectionable features of the law. The same is true of the exemptions as to domestic and agricultural labor. But it would have been impossible to pass the bill without these exceptions. Legislation of this character is of slow growth and its advocates must content themselves with a step at a time. It seems approximately certain, however, that the law will eventually be revised so as to apply to every form of child labor, and that the age limit for employing children will be raised to sixteen years.

By an act of 1907 (Chap. 1458) the child labor statute of 1905 was amended so as to apply to every person, firm or corporation, employing any child under sixteen years of age. Previous to this act, the law did not apply to establishments employing less than five persons.

*Present Administration of the Child Labor Law.*—To ascertain the exact conditions of the administration of the child labor law is extremely difficult. There is danger of placing emphasis on unusual rather than typical instances of violation. Politics enters the discussion and charges are made by those who have a longing eye for a position in the inspection bureau. A white light beats upon every public office, and an official will make enemies no matter what policy he adopts.

Numerous charges have been made that the law is flagrantly violated. The factory inspectors flatly deny all such statements. The writer has endeavored to make an unbiased study of the matter, and to him the truth seems to lie between these two positions. It appears that the violation of the law is not so flagrant as critics charge, nor the enforcement so efficient as the inspectors would have us believe. The law would probably be better en-

forced if the opinion of the average citizen on this subject were active and militant rather than passive and perfunctory. The preacher and teacher, the school officials and philanthropic individuals are aroused to the necessity of preventing child labor, but the matter does not much concern the citizen of average intellectual and business interests. Not until the general public makes an *active* demand for the strict enforcement of the law, will it be so enforced.

In order to obtain information as to the administration of the law, the writer accompanied the inspectors upon their visits to some dozen factories in Providence, Pawtucket and Woonsocket; and worked as a laborer in several establishments in Providence and the Blackstone Valley. While so engaged in the mills, lodging was secured in factory boarding houses, and throughout the summer of 1907 the writer was more or less in contact with the factory workers.

The inspectors' inquiries into the conditions of the mills visited appeared to be by no means thorough, in fact they seemed rather perfunctory. It is not known if this was the usual method of inspecting; it may have been that the examination was purposely made rapidly so as to show the writer as much of the establishments as possible. Though the inspection was of this cursory character, children without certificates were found in several of the mills and few of these children gave their ages as under fourteen. It is probable that had the inquiry been more searching other such children would have been found.

The writer counted forty-six small children entering one of the two main entrances to a large woolen mill in Providence. If size be taken as a criterion, many of these children did not appear to be fourteen years of age. In a large building of Providence devoted entirely to jewelry

establishments, there are two shops known among the workers as "the kindergartens." It is highly probable that these two establishments employ many children in violation of the statute. On the bulletin of this building were notices calling for "small girls" to work in the jewelry shops.

In the braiding room of a Providence factory, there were two children employed who were almost certainly under age. One of these children said he had learned to operate a braiding machine in a town of Scituate. The North Providence mills employ a number of children, who are not larger than the newsboys who give their ages as twelve years. A large department store in Weybossett street, Providence, has a large percentage of children among its employees. Some of these little workers are very small and delicate. If a considerable percentage of the children employed in several Woonsocket mills are not under age, it is evident that children now-a-days are either not growing to the usual size or they are developing rather late in life. In North Smithfield, children form a large part of the mill force. As a rule, these do not seem to be under fourteen years of age, but their wretched physical appearance perhaps indicates that they have been long employed amid unsanitary surroundings. The condition of child labor in Burrillville was better than the writer had been led to expect. There was, however, one mill in this township which employed children who were certainly not over ten years of age.

The writer questioned many of the mill workers as to the enforcement of the law. Several of these were of the opinion that the law was well enforced; a greater number were emphatic in their statements that the administration of the statute was "a farce." The several trade union officials interviewed were, without exception, of the opin-

ion that the law was absolutely disregarded, and some of them made the charge of collusion between the manufacturers and the chief factory inspector.

Mr. Gilbert E. Whittemore, truant officer of Providence, in his report, September, 1907, had this serious complaint to make against the factory inspectors:—

“Numerous cases have come to my knowledge of illegal employment of children, who should be in school, and the process of ordering children in such cases to quit such employment, which seems to be the only method employed, is getting decidedly stale and ineffective. One single break of seventeen children from one school to employment unauthorized either by age or certificate occurred this year and in some of these cases the parents refused my request that the children be immediately returned to school. \* \* \* These parents stated in open court that they had been promised immunity from trouble by the parties employing, if they allowed their children to work, but the prospect of continued fines of twenty dollars and costs weakened the guaranty effectively. Threats of like process in the other cases in case of obstinacy returned all of the children to school.

I have also with reluctance prosecuted children as truants who were illegally working, and whose parents shirked the responsibility of such employment. Such children have stated in open court that they were employed, given name and location of employer, stated their wages, and, in one instance, presented a pay envelope.

I do not believe that this is the proper or fair way to enforce the child labor laws. I think that employers, not parents or children, should be prosecuted for violations of child labor laws, but I do not think that Providence employers should be prosecuted unless employers in all

parts of the state are treated exactly alike. I do not believe that the child labor laws can be enforced by persuasion."

Mr. Whittemore stated to the writer that during the year ending June 30, 1907, he notified the factory inspection department of 93 cases of illegal employment, but the inspectors did not institute proceedings against any of the offending employers.

This evidence seems to point to the conclusion that the child labor law is not rigidly enforced, and that the public would be justified in demanding a more efficient administration of a statute which is of vital importance to the welfare of the State.

## CHAPTER III.

### HOURS OF LABOR.

From the earliest days of American trade unions, one of the chief demands of organized labor has been that for a shorter working day. As far back as 1825, this question formed the basis for associations of laborers, and at the present time the movement for an eight-hour day is one of the main issues supported by union men. Therefore, a history of the movements for changing the hours of work is, in part, also a history of Rhode Island trade unions.

Like the use of child labor, the long hours of work in the early factories were a survival of the old domestic system under which the workers in their own homes forced themselves and their children to labor from early morning until far into the night. It is in the industries closely resembling those under this domestic system—such as sweat shops and home seamstress work—that the longest hours are still to be found.

The successful cultivation of New England farms required long hours of labor. Their owners were hard workers and frugal livers; they did not spare themselves and they expected the same sustained labor from their farm help.<sup>1</sup> When the New England farm hand, or the girl trained by the housewife, went into the mills, they carried with them these habits of labor. Long hours were considered a matter of course.

<sup>1</sup>“A day’s work in 1820 was from sun rise to sun set, and in haying time anywhere up to 9 o’clock at night.”—T. R. Hazard: *Miscellaneous Letters and Essays*, p. 123.

*Conditions During Early Part of 19th Century.*—Commissioner Oliver of Massachusetts says of early mill conditions in New England: "The system of long hours was first adopted as in England, and the operatives went to work before breakfast. For this meal thirty minutes was allowed and for dinner forty-five minutes. The general length of time per day was fourteen or fifteen hours."<sup>2</sup> The press praised the prosperous condition of England where weavers obtained constant employment working fourteen to sixteen hours a day.<sup>3</sup>

To keep the worker busy from sun to sun—and after, was considered an end devoutly to be sought. We read: "The usual working hours being twelve, exclusive of meals, six days in the week, the workmen and children thus employed have little time to spend in idleness or vicious amusement."<sup>4</sup> Seth Luther, the labor leader, claimed that, in general, thirteen hours of actual work was required by the New England mills. At the Eagle Mills, Griswold, Conn., fifteen hours, ten minutes of actual labor was the rule.<sup>5</sup> To make matters worse, these hours were measured by *factory* time which was about twenty-five minutes behind *solar* time: the mills started by solar time, but stopped by factory time.<sup>6</sup>

Several writers have drawn very dark pictures of the early factory conditions.<sup>7</sup> It is probable that the estimates

<sup>2</sup> Report Massachusetts Bureau Industrial Statistics, 1870, p. 91.

<sup>3</sup> Providence Patriot, May 30, 1829.

<sup>4</sup> Letter of Smith Wilkinson, Pomfret, Conn.; White's Memoirs of Slater, p. 126.

<sup>5</sup> Luther: Address to Workingmen of New England, p. 21.

<sup>6</sup> Grieve: History of Pawtucket, p. 98; Luther: Address to Workingmen of New England; cf. N. H. Gazette, quoted by Providence Patriot, April 7, 1832; Address of Providence Workingmen to the Public, Providence Patriot, April 14, 1832.

<sup>7</sup> "To be as they are, like the brutes which perish and possessed only of instinct; deprived of the liberty of thought, speech and body;

have somewhat exaggerated the existing evils. Long hours of work seem to have been the chief complaint made by the laborers. Most of the mills were small and sanitary conditions were not then pressing problems.

*Union Labor Demands A Shorter Day, 1825-1835.*—The trade union movement in New England may be regarded as beginning with the year 1825,<sup>8</sup> and from its inception concerned itself with the hours of labor. The lecture of Edward Everett before the Charlestown Lyceum in 1830, gives evidence that there was some public recognition of this agitation.<sup>9</sup> The Providence Association of Mechanics and Manufacturers had been founded in 1789, but it cannot be considered a labor organization.

The laborers of Rhode Island were among those most active in this early demand for a shorter working day. December 5, 1825, delegates from five New England states met in Providence and approved the proposals for limiting the hours of labor.<sup>10</sup> This meeting called a convention to meet in Boston, Feb. 16, 1826, at which time a general association of New England was formed. March 3rd, of the same year, the Providence Association

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one would think they must sometimes at least imagine themselves on the confines of the lower regions, and that without much stretch of the imagination." Thomas Mann: *Picture of Woonsocket, 1835*, p. 16.

Owing to the commercial depression of 1829, "in too many cases the manufacturers had lost sight of the human beings who operated their machines, and they too often mistook injustice and cruelty for order and discipline. I know of one who was in the habit of flogging the children in his employ out of sheer wantonness. . . . Many of the mill owners were of the loosest morals, and the factory girl was fortunate who preserved her honor and her position." Richardson: *History of Woonsocket*, pp. 171, 172.

<sup>8</sup> R. T. Ely: *Labor Movement in America*, p. 40.

<sup>9</sup> First Report Massachusetts Bureau Industrial Statistics, p. 93.

<sup>10</sup> Jones: *Transformation of Providence from a Commercial to a Manufacturing Community*, p. III.



of Workingmen was organized to support the demand for the ten-hour day and thus secure for the factory children some of the advantages of public education.<sup>11</sup>

The movement gained momentum in the early thirties. During the decade following 1829, the Democratic party was in active sympathy with the plans of the workers; in fact, it came near being a workingman's party.<sup>12</sup> We know, that the "Republican Herald," the chief democratic organ in Rhode Island, was at first neutral as to the demands of the unionists, but later became their champions, and through its columns the desires of the workingmen were made known to the public. At a meeting of the mechanics of Providence, Sept. 29, 1831, it was shown that the mill hands of Taunton and other towns had discontinued the practice of "working by candle light," and, following their example, the Providence laborers declared they would work only "from the rising of the sun to the setting of same."<sup>13</sup>

On the 10th of October, the workingmen voted to "consider ten hours of actual work sufficient for a day's work." At this meeting the argument was advanced that the interest of the public should be given first place: "if it would be a public benefit for the mechanic to work fifteen hours, we ought to do it; \* \* \* if ten hours work per day is a public benefit our employers ought to be satisfied, notwithstanding it be to their disadvantage."<sup>14</sup> This meeting called a convention to be held in Providence the first Monday in December. Many mill towns sent delegates to this meeting of December 5th,

<sup>11</sup> *Ibid.*, p. 111; Columbia Phoenix, March 24, 1826; Mfg. & Farm. Jour., March 24, 1826.

<sup>12</sup> Ely: Labor Movement in America, p. 43.

<sup>13</sup> Providence Patriot, Oct. 1, 1831.

<sup>14</sup> Providence Patriot, Oct. 15, 1831.

and a general convention of New England workers was planned to meet in Boston, Feb. 16, 1832.<sup>15</sup>

This convention was attended by seventy-six delegates from the important factory towns of Rhode Island, Massachusetts, Connecticut, and New Hampshire, and during a two days' session, the organization of the New England Association of Farmers, Mechanics and other Workmen, was formed. Plans were outlined for an effective campaign against the long working day. The report of the committee on education shows that the workers were keenly alive to the situation:

"The opportunities allowed to children and youth employed in manufactories to obtain an education suitable to the character of American freemen, and the wives and workers of such, are altogether inadequate to the purpose: That the evils complained of are unjust and cruel; and are no less than the sacrifice of the dearest interests of thousands of the rising generation of our country to the cupidity and avarice of their employers. And they can see no other result in prospect, as likely to eventuate from such practices, than generation on generation, reared in profound ignorance and the final prostration of their liberties at the shrine of a powerful aristocracy."<sup>16</sup>

This convention attracted much attention to the workmen and caused their demands for a shorter work day to be supported by some of the leading papers of the time.<sup>17</sup> At a meeting of the Providence mechanics, February 25, it was decided to form an association auxiliary

<sup>15</sup> Grieve: *History of Pawtucket*, p. 98.

<sup>16</sup> Grieve: *History of Pawtucket*, p. 99; *Proceedings of New England Association of Farmers, Mechanics, etc., 1832*, republished in *Handbook Rhode Island Knights of Labor, 1894*.

<sup>17</sup> Cf. Boston Transcript editorial, quoted by Providence Patriot, Feb. 29, 1832.

to the Boston organization in order to put into effect the resolution there adopted.<sup>18</sup> The movement continued to gain in strength during the succeeding months.<sup>19</sup> In an address of the Providence workmen to the public; the citizens were asked to leave for a moment the question of the "American System" of protection to manufacture, and consider the effect of the prevailing system of labor upon the workmen and his children. The manufacturers were making education impossible by compelling their operatives to labor from daylight to eight o'clock at night. "The smallest child whose steps are sometimes quickened by the lash—the female, however feeble her constitution," must begin to toil "ere the sun has roused the lark."<sup>20</sup>

After 1834, this movement, which had once been so bright with promise for the laboring man, began to decline, and gradually it disappeared before opposing forces. It is true, the Rhode Island workmen in 1834 protested against the banking system and sent a delegation to Washington to present their views<sup>21</sup> but this activity was due to political rather than economic causes. It is probable the industrial depression following 1836, put a damper on the ten hour agitation: men were very glad to get work on any terms. Again, the majority of the mill workers did not own \$134 of real estate, and being, therefore, without the suffrage, could not directly influence legislation. During this decade, numbers of Irish immigrants came to New England; their standards of life were not high, and they displaced, in large degree,

<sup>18</sup> Providence Patriot, Feb. 29, 1832.

<sup>19</sup> Cf. Providence Patriot, March 7, March 24, April 4, 1832.

<sup>20</sup> Providence Patriot, April 14, 1832.

<sup>21</sup> Republican Herald, Feb. 15, 1834; also see letter in *Mfg. & Farm. Jour.*, April 3, 1834.

the native mill workers.<sup>22</sup> Another cause for the lapse of the labor movement after 1834, seems to have been that the thoughts of the people were occupied by other matters, such as the financial policy of the national government, the anti-masonic agitation, and prohibition.

*The Law of 1853.*—About the middle of the century, the demand for a ten-hour day again became a feature of legislative discussions. During the period 1840-50 there was much agitation among the mill help of England for a shorter working day, and this probably had some influence in America. National legislation also encouraged the movement. In 1840, President Van Buren issued an order establishing the ten-hour day in all United States public works. With the growth of the factory system and the increased use of child labor, the concomitant evil of long hours forced itself upon the attention of the legislators.

As we have seen in a previous chapter, the Legislature, in 1851, found it necessary to order an investigation of child labor. Colonel Welcome Sayles, the investigating commissioner, in his report presented in 1853, had this to say of the hours of labor: "In this there is great disparity between the different establishments. There are a few mills that scarcely average to exceed 11 hours per day, certainly not to 11½ hours; very many that do not exceed twelve hours, perhaps the majority of them not more than 12½ hours; whilst there are mills, that from the best data that could be obtained, work 14 hours per day. There are mills during the last winter that com-

<sup>22</sup> About the period 1836 to 1840 very material changes took place among the operatives. . . . Under the prejudice of nationality and the decrease of native help, the American element, the daughters of independent farmers . . . retired from the mill and factory and can no longer be found therein." First Report Massachusetts Bureau Industrial Statistics, p. 91.

menced work at 5.30 A. M. on all days but Saturday, and on that day at 4.30 A. M., as they left work earlier in the afternoon of that day—making more than 13 hours of labor in the very shortest days. There are but a small portion of the mills that work less than the *whole day*, however long. . . . To me, as to others, it seems far more disagreeable to see little, half-clothed children seeking their way to the factory in the very darkness of a winter's night, rather than in the hours of warmth and light."<sup>23</sup>

As a result of this report and the many petitions from workingmen,<sup>24</sup> the act of January, 1853, was passed.<sup>25</sup> By this law, ten hours was defined as a legal day's work unless otherwise agreed by contracting parties. It was further provided that no child under twelve years of age should be employed in any manufacturing establishment for more than eleven hours of any one day, and not before 5 A. M. or after 7.30 P. M. The owner or employer "wilfully and knowingly violating these provisions was liable to a fine of \$20, one-half going to the complainant, the other to the district school fund.

*Administration of the 1853 Law.*—The provision for the ten-hour day for all workers was made void by the clause that contracting parties could agree upon a longer period of work. The principle that the State can restrict contracts made by adults was not then recognized—nor is its recognition generally accepted at the present time. Says the Providence Journal of that date, "To protect children against excessive labor is just and proper; to prevent men working as long as they please, is hardly possible."<sup>26</sup>

<sup>23</sup> Report, p. 5 (Rhode Island Acts and Resolves, 1853).

<sup>24</sup> Mfg. & Farm. Journal, Feb. 5, May 12, 1852.

<sup>25</sup> Rhode Island Public Laws, 1844-1857, p. 945.

<sup>26</sup> Feb. 28, 1853.

There is no provision for the enforcement of the restrictions upon the hours of child labor. However, the working hours seem to have been gradually reduced. The manufacturers found this to be a good business policy; it was good economics. Certainly there was very little coercion. This reduction of the factory hours to eleven hours came about gradually, the employers who combined business sense and philanthropy, leading the way. In the early seventies, we find the eleven-hour rule to be in general practice. In a word, then, the employer decided whether or not he would observe this statute and his general decision was in the affirmative.

*Repeal of the 1853 Law.*—All restrictions on the hours of child labor, as contained in the statute of 1853, were repealed by section 18 of the truant law of 1883, (Chapter 363). By this act, Rhode Island was left without any limitation upon the length of the working day. It is difficult to see why this action was taken; the law was not interfering with the manufacturers, for the week's work had been reduced to about 66 hours and the practice of employing children earlier than five o'clock in the morning had ceased. Governor Bourn says in his message, 1885, that this repeal of all restrictions on the hours of labor was perhaps unintentional.

*The Ten Hour Law of 1885.*—The annulment of the law of 1853 gave impetus to the ten-hour day movement. The demand for such a law was not a sporadic development, for it had been a perennial principle of union labor. In 1869, the labor interests succeeded in persuading Congress to pass an act providing for an eight-hour day on all government work. By an interpretation given this law it became ineffective, but it remained a statute and perhaps influenced State legislation. For many years subsequent to 1868, the National Labor Union condemned

the practice of working women and children ten to fifteen hours a day as "brutal in the extreme and subversive to the health, morality and intelligence of the nation."<sup>27</sup> Throughout the seventies, there were strikes for the ten-hour day. In 1873 this was the cause of a protracted strike in the textile mills of Woonsocket and Olneyville.<sup>28</sup> A definite and sustained effort to secure this shorter work day began with the organization of the Knights of Labor. This labor organization practically forced the passage of the act embodying this reform.

The question was soon introduced in politics. In 1875, Governor Howard had urged the limitation of the hours of work for women and children,<sup>29</sup> and a decade later, Governor Bourn added his support to the movement.<sup>30</sup> In 1885, the platform of the Democratic party advocated such a measure. The Democrats claim that they forced the Republicans to pass the bill. There is no doubt that the former party was the more active in its support. In the elections of 1885, Pawtucket, which had been Republican, gave a Democratic majority on this issue. Woonsocket would have done likewise, had not the Republican nominating caucus passed resolutions endorsing the ten-hour bill. In Cumberland, the labor vote gave the Democrats a decided majority.<sup>31</sup>

At the January session, 1885, the workers stormed the Legislature with petitions and resolutions.<sup>32</sup> Practically

<sup>27</sup> Ely: *Labor Movement in America*, p. 341.

<sup>28</sup> *Providence Journal*, May 26, 1873, *et seq.*

<sup>29</sup> Governor Howard's Message, 1875.

<sup>30</sup> Governor Bourn's Message, 1885.

<sup>31</sup> Editorial, *Weekly Journal*, April 10, 1885.

<sup>32</sup> Previous to 1885, there had been several attempts to secure a ten-hour law. Such an act was defeated in the Senate, Feb. 24, 1881, by a vote of 20 to 12. (*Providence Journal*, Feb. 25, 1885.) . . . March 22, 1883, a bill was introduced providing that minors under eighteen and women should not be employed in any manufacturing

every mill town in the State sent a petition praying for a shorter working day.<sup>83</sup> Over 16,000 names were attached to these papers. Some of these names were duplicates and others were not signed in person, but there is little doubt that the petitions represented the opinions of the great mass of mill workers. Some 238 persons and 91 corporations, representing the chief manufacturing interests of the State, appealed to the law-makers to defeat the bill.

The numerous public hearings held by the legislative committees gave ample opportunity for the advocates and the opponents of the bill to present their cases. The supporters of the act argued that reductions of hours had been attended by increased production, and authorities were cited to substantiate this contention. The Lonsdale Ann and Hope Mill had for several years been running three hours a week less than the majority of Rhode Island mills, without experiencing any financial loss. However, the question was not primarily one of economics but one of common humanity; life and health should be placed above property. The working people's chief need was an opportunity for self-development, and this opportunity was denied them by the long and exhausting hours of labor. It was a mistake to give great attention to production and little to consumption; the laborer should have sufficient leisure to enjoy the fruits of his labor. As a consumer, rather than as a producer, he should be of first importance. Why worry over "Freedom of Contract?" There was no such thing. The operative was establishment over ten hours a day. (Weekly Journal, March 23, 1883.) . . . The bill was again before the Legislature in 1884. It passed the House, but failed to pass the Senate on the last day of the session.

<sup>83</sup> See Daily Providence Journal, Jan. 14, 15, 28, Feb. 4, 12, 14, 18, 28, *et seq.*



often brought to the alternative of "work or starve," and for him the expression was an empty phrase. A law, similar to the one proposed, had given good results in Connecticut and Massachusetts; it would prove a success in Rhode Island.<sup>84</sup>

In answer to these arguments, the opponents of the bill contended that such a law would be "against the established policy of the State from its foundation; the policy of allowing every adult person to govern his own conduct and make his own contracts."<sup>85</sup> Such a statute would curtail production and thereby reduce wages. Interest charges would be increased by a large amount of valuable machinery remaining idle a portion of the day, Rhode Island manufacturers would be placed at a disadvantage in competition with those of other states, especially with those of the South. If the law was to be enacted it should be a national one and be made to apply to all the states. The bill discriminated against manufacturers since it did not apply to mercantile, agricultural, and domestic labor. Mill work was not exhausting, for machinery required only periodic attention. In Massachusetts the shorter day had been met by the manufacturers' speeding up their machinery and thereby increasing the strain on the worker. It was further argued that the period of labor had been gradually reduced by natural means; if the ten-hour day was a good thing it would be adopted without legislation. The mill hands did not use their leisure for self-development; when the factories closed at an early hour they "invariably went flocking to the city."<sup>86</sup>

<sup>84</sup> For these arguments see public hearings by Legislative Committees, Feb. 17, 19, March 10, 1885, as reported by *Providence Journal*.

<sup>85</sup> *Weekly Journal*, April 3, 1885.

<sup>86</sup> For the objections advanced against the bill see *Petition of*

It would be a mistake to think that the mill owners opposed the bill for selfish and callous reasons. Probably they were sincere in their conviction that such a measure would do great harm to the laboring class. There seems to be much logic in the contention of the pragmatists that our opinions are based upon our interests; that a man's ideas of what is true and worth while are relative concepts and vary with his position in society. It is interesting to note in this connection that some of the men most active in opposing the ten-hour day for women and children were among the founders of the Society for the Prevention of Cruelty to Children. They were also prominent in establishing the state home and school for dependent children, and the reform school for delinquent minors.

At the January session the bill passed the House, but was defeated in the Senate by a vote of 15 to 12. This action by the Senate created the utmost indignation among the workers, and political managers became apprehensive lest this would cause a decided shifting in party affiliations. The managers deemed it best to resist no longer the demands of the laborers. Consequently, the act which had been defeated April 7 by a vote of 15 to 12, on May 28 passed the Senate by a vote of 31 to 3. The vote in the House, the day previous had been 59 to 9. This chameleon-like change seems to have been due entirely to the political situation.

The Providence Journal in discussing the rapid passage of the bill at the May session, said it "was due to a desire to get it out of politics and quiet an agitation which

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Manufacturers to State Senate, Providence Journal, Feb. 13, 1885.  
Public Hearings of Legislative Committees, Feb. 24, 26, as reported by Providence Journal.

might interfere with the ambitions of politicians or disturb the even course of party management."<sup>87</sup>

*Provisions of the Law.*—This act provided that no minor under sixteen years of age, and no woman, should be employed in laboring in any manufacturing or mechanical establishment more than ten hours in any day "except to make necessary repairs to prevent the interruption of the ordinary operation of machinery, or when a different apportionment is made for the sole purpose of making a shorter day's work for one day in the week." Senator Eames was correct when he pointed out that the bill was "*a departure from the legislation of the State as applied to adult labor;*" that it would be but a step to apply the law to the adult man, and, in time, it would be extended to all mechanical, mercantile, and domestic work.<sup>88</sup> Every person who wilfully employed any person in violation of this act, or any parent or guardian who permitted such employment was made liable to a fine of \$20 for each offense. A certificate stating the age of a minor, made by him or by his parent or guardian, would be conclusive evidence of his age upon the trial of any person charged with the violation of the act.<sup>89</sup> (Public Laws 1885, Chapter 519.)

It will be noted that this law has several weak features. No restriction is placed upon the working of children at night, it remaining legal to employ a child ten years of age for ten hours of night work.<sup>40</sup> The provision is made that the employer must "wilfully" violate the

<sup>87</sup> May 29, 1885.

<sup>88</sup> Providence Journal, April 8, 1885.

<sup>89</sup> Mr. Bosworth, of Warren, wished the word "conclusive" stricken out before the word "evidence." The Supreme Court, he said, had ruled that the Legislature had no power to establish any evidence as conclusive. His suggestion was not adopted.—Providence Journal, May 28, 1885.

<sup>40</sup> It will be remembered that the age limit was reduced to ten

law before becoming liable to its penalty. Then, the clause permitting more than ten hours' work in order to secure a shorter day for one day in the week, made it possible for such employers as were violating the law to explain the long hours in their establishment with the statement that such was done in order to give a half-holiday on Saturday. Also, an unusual provision was that allowing a minor to give a certificate as to his age; children under sixteen are not generally allowed to sign certificates to be used as conclusive evidence.

*Administration of the Ten-Hour Law, 1885-1902.*—

For fourteen years after the passage of the ten-hour law, no provision was made for its enforcement. In 1899, the factory inspectors were made responsible for the administration of this statute. (Laws of 1899, Chapter 708.) If the employers reduced the week's work to sixty hours a week, it was because such action was found to be a good business policy, and not because of legal coercion exercised by government officials. This seems to be as true of the period after 1899 as it was prior to that date. Though the tendency was towards a reduction of hours, there is evidence that the law was not strictly obeyed. This evidence is from mill workers and labor leaders, and may be objected to as such, but it can scarcely be entirely fallacious.<sup>41</sup>

years by the truant law of 1883, and not until 1894 was it again placed at twelve years.

<sup>41</sup>Returns of Employees to Commissioner of Industrial Statistics, 1887: Weaver, Warwick.—More rigid enforcement of the ten-hour law is needed, p. 39. . . . Warp Twister, Pawtucket.—“The ten-hour law is evaded by many,” p. 45. . . . Loom Fixer.—“Operatives, as a class, are all worn out, and become old soon on account of long hours and close, filthy air.”

Returns of Employees, 1889: Can-Room Employee.—“Small help are employed ranging from 7 to 15 years; they are often obliged to work overtime until 10 p. m.,” p. 154. . . . Hooker.—“We have to

There were many influences working for the observance of the law; the mill managers had no fear of being prosecuted by the inspectors, but the simple fact that the law was on the statute books caused many employers to comply with its provisions. The mill owners also realized that their property rights are based on law, and it is incumbent upon them not to encourage, by their example, the spirit of lawlessness. Again, it is difficult to force the workers to labor overtime, unless it is understood that such is to meet an emergency. Knowing the existence of the law, they will strike to secure a shorter day, and under such circumstances, the employers can seldom hope to be successful in the contest. Perhaps the strongest reason for the observance of the statute is the fact that the mill managers have found that a reduction of the average working day to ten hours has not curtailed production. Such influences, rather than any activity on the part of the factory inspectors, caused the manufacturers, during normal periods of business, to comply with the law.

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work until 9 and 10 p. m. when there are many orders," p. 155. . . . Knotter.—"The ten-hour law is openly violated, girls working in some instances 66 hours a week," p. 155. . . . Drawer-In.—"The laws regulating the time of working are constantly violated," p. 152. . . . Weaver.—"Those having authority would do well to investigate the way the ten-hour law is being trifled with," p. 154.

The members of the Textile Union of Providence held a meeting Jan. 8, 1902, to protest against the employment of children and women until 9 p. m. and later. A committee placed before Governor Kimball charges against eight of the largest mills in Providence.

At public hearing of the House Committee on special legislation, Feb. 26, 1902, Joseph Bickwell said that some time previous to that date, the laws had been broken by the mills running 15 or 16 hours a day. He asserted that every mill in the State required its hands to work 61 and 62 hours a week. Thomas McHugh stated that in Pawtucket boys 12 to 15 years of age worked in the mills until 9 and 10 p. m. James Cliffe mentioned a mill which required women and children to work until 9 o'clock at night.—See *Providence Journal*, Feb. 27, 1902.

The reports of the United States Bureau of Labor show that during 1885-86 the working hours in Rhode Island factories were, in general, sixty hours a week, and in many cases the hours were less than that number. For 1895-96, the reports indicate that the number of factories working *less* than sixty hours was greater than at the beginning of the decade.<sup>42</sup>

The returns of 1439 working women to the Commissioner of Industrial Statistics in 1889, showed that 90 per cent. of these women worked ten hours a day; over 98 per cent. worked ten hours or less; and less than 2 per cent. worked over ten hours.<sup>43</sup>

*Week's Work Reduced to Fifty-Eight Hours.*—The workers were dissatisfied with the sixty-hour law, because

<sup>42</sup> Compiled from Statistics of Eleventh Report United States Commissioner of Labor, pp. 635 and 639-645.

| Office No. | Manufactures                  | Hours of Labor |         |
|------------|-------------------------------|----------------|---------|
|            |                               | 1885-86        | 1895-96 |
| 61         | Awnings .....                 | 60             | 60      |
| 207        | Brooms .....                  | 60             | 60      |
| 469        | Cotton goods .....            | 60             | 60      |
| 470        | " " .....                     | 60             | 60      |
| 471        | " " .....                     | 66             | 60      |
| 515        | Drugs, paints, etc.....       | 60             | 60      |
| 736        | Paper goods .....             | 60             | 60      |
| 738        | " " .....                     | 58             | 58      |
| 748        | Print-works .....             | 60             | 60      |
| 814        | Printing, blank books.....    | 60             | 59      |
| 815        | " " " .....                   | 59             | 59      |
| 816        | " " " .....                   | 58 (clerks)    | 56      |
| 828        | Harness, belting .....        | 60             | 60      |
| 832        | Rubber goods .....            | 60             | 59      |
| 873        | Screws, games, novelties..... | 48 (packers)   | 55      |

<sup>43</sup> The 1439 women worked as follows:

|                            |       |
|----------------------------|-------|
| Less than eight hours..... | 7     |
| Eight to ten hours.....    | 111   |
| Ten hours .....            | 1,298 |
| Over ten hours.....        | 23    |

Compiled from Report of Rhode Island Commissioner of Industrial Statistics, 1889, pp. 26-136.

in order to secure a half-holiday on Saturday, it was necessary to shorten the period allowed for the noon meal. The labor unions determined to secure the amendment and instituted a systematic propaganda for this purpose. The arguments advanced were very similar to those presented in favor of the 1885 law.<sup>44</sup> In 1902, political conditions were such that it was necessary to placate the labor vote, and consequently, the bill passed on April 4, without a dissenting voice. (Laws of 1902, Chapter 994). The act amended Chapter 519 of 1885, by reducing the week's work to fifty-eight hours, no other change being made in the law.

*Night Work Prohibited for Children.*—By the child labor law of 1905 (Chapter 1215) it was decreed that no child under sixteen should be employed in any factory, manufacturing or business establishment before 6 A. M. or after 8 P. M. An exception was made so that this restriction should not apply to mercantile establishments on Saturdays, or on either of the four days immediately preceding Christmas. The circumstances attending the passage of this act, have already been discussed.<sup>45</sup>

*Present Administration of the Law.*—What has been said of the enforcement of the law during the period 1885-1902, applies in large degree to its present administration. Speaking generally, the statute is well observed during periods of normal business activity. There are exceptions, but these are not sufficient to vitiate the conclusion as stated. This is true of normal periods but does not apply when the manufacturers are rushed by sudden and urgent orders. The writer has been informed from various sources that during these rush periods, the mills and shops run over time. That there is occasion

<sup>44</sup> See public hearing on the bill, Feb. 26, 1902.—*Providence Journal*, Feb. 27, 1902.

<sup>45</sup> See Chap. II, Law of 1905.

for this overtime work is readily granted by the employer. Back in 1885, the minority report of the Senate Judiciary Committee presenting the arguments of the manufacturers said: "The peculiar nature of all manufacture, but more peculiarly of those employments ["woolen and worsted mills, all yarn mills, and all bleaching and dyeing establishments"] renders it necessary to work overtime to fill sudden orders. The help understand this and are satisfied with it, as they are paid extra for the overtime work."<sup>46</sup>

This inducement to run overtime is as strong at the present day as it was in 1885. It is to the great advantage of the employers to meet these emergencies by running extra hours. The workers are paid one and one-third to one and one-half times the usual wage, and as a rule, do not object to the arrangement when they understand that it is of a temporary nature. At such times an additional force for a night shift could not be secured on short notice without disproportionate expense, nor would such a force be trained for the work required. Should the increased demand become steady and permanent, the manufacturer would then be warranted in hiring and training an extra night force, or in extending his plant so as to employ additional day workers. The violation of the law is to meet a sudden, and what appears to be a temporary demand for certain styles of goods. The manufacturers reason that other employers are allowed to work their laborers over-time to meet emergencies; and give as examples: store employes during holidays and on Saturdays; railroad men at periods of heavy travel or traffic; the United States post-office employes during the Christmas season. The manufacturers ask why they should not be granted the same opportunity to meet sudden demands.

<sup>46</sup> Weekly Journal, April 3, 1885.



## CHAPTER IV.

### FACTORY ACTS.

The Rhode Island factory inspection law dates from 1894 and was the result of a persistent demand by the workers during the previous decade. Unlike the inspection law of other states, the Rhode Island statute is not a product of gradual growth, a summation of laws passed from time to time; but was, for the most part, contained in the act of 1894 and remains practically unchanged at the present day.

*Early Conditions*—Complaints against factory conditions go back to the early days of Rhode Island manufactories. These complaints were, however, directed chiefly against child labor, little attention being given to sanitation, the guarding of machinery and other matters which enter into the present factory laws. The Rhode Island factories before 1840—in fact, the period may be extended to 1860—were, in general, not large, so that the evils against which recent legislation has been directed were not then acute.<sup>1</sup> There is no doubt that objectionable features were present, but as industry was not concentrated and the rigid discipline of the present day was not necessary, these evils of sanitation and dangers to life and limb did not reach excessive proportions.<sup>2</sup> This must be borne in mind when reading Seth Luther's arraignment of New England factories in 1833,<sup>3</sup> or the charges made by the New England Association of Far-

<sup>1</sup> Jones: Transition of Providence from a Commercial to a Manufacturing Community, p. 118.

<sup>2</sup> Grieve: History of Pawtucket, p. 96.

<sup>3</sup> Address to the Workingmen of New England.

mers, Mechanics and other Workingmen, at their convention in 1832.<sup>4</sup>

Even had factory conditions been such as depicted by Luther's vehement eloquence, factory inspection law could not have been enacted during these early days. Governmental control was regarded with suspicion: each man considered he had an inalienable right to conduct his business as he saw fit. Individualism was a real and active principle with these men. This was one reason why no adequate provision was made for the enforcement of laws pertaining to child labor and to hours of work. Nor can it be said that the average workman made an imperative demand for State inspection of factories. The workman did not expect to remain a member of a class requiring special protection: he had high hopes of becoming himself an employer and capitalist.

There was some mention of factory inspection in 1853, the year during which there was considerable activity in labor legislation. On February 24th of that year, the minority of the House Judiciary Committee in reporting on the child labor bill said: "Other provisions in the English acts providing penalties and security of operatives from danger by the fencing of machinery, we do not stop to consider. Important as is some action in regard to the personal security of children working in the midst of ponderous machinery, we deem it inexpedient to recommend such action now."<sup>5</sup> It has also been seen that Colonel Welcome Sayles, who was chosen by the General Assembly to make an investigation of factory conditions, in 1853 recommended that a State Commissioner of Mill Help be appointed to inspect the factories and make re-

<sup>4</sup> Proceedings reprinted in the handbook of the Rhode Island division of the American Federation of Labor, 1894.

<sup>5</sup> Providence Post, Feb. 25, 1853.

ports to the Legislature.<sup>6</sup> No serious attention was given to this suggestion.

#### THE FACTORY INSPECTION ACT OF 1894.

*Introductory.*—By the year 1850, the manufacturing interests of Rhode Island had become predominant over all other industries of the State. After the close of the Civil War this disproportionate power of the manufacturers became even more manifest. The mill owners were thus able to resist successfully any proposed legislation which they considered detrimental to their interests. It has already been pointed out that after 1840, the mill help came to be, in large part, composed of immigrants, first the Irish, and then the French Canadians, who did not have high standards of living, and did not, therefore, demand improved conditions of work. This probably retarded a concerted movement for a factory inspection law.

A definite demand for a State inspection law was first made by the Knights of Labor in the early eighties. That organization in its declaration of principles in 1878 had declared for "the adoption of measures providing for the health and safety of those engaged in mining, manufacturing and building industries." The Knights rapidly increased their membership in Rhode Island and in 1885, as we have seen, forced the passage of the ten-hour law. At the time this bill was before the Legislature, the labor leaders announced that a factory inspection act would next be presented to the law-makers. In 1887, instead of a factory inspection department, the Bureau of Industrial Statistics was created. It was then thought that the bureau would supply the desired information as to labor conditions, but as the officials of this bureau were not given police powers, they could not enter the fac-

<sup>6</sup> See Report in Acts and Resolves, 1853.

tories except with the consent of the owners. For the six years after 1887, the manufacturers were successful in preventing the passage of an inspection law.

From the number and character of the complaints made against the manufacturing establishments during the decade prior to 1894, it is fair to conclude that a real need for a factory inspection law existed. It is probable, however, that the more extreme charges were, for the most part, directed against the old mills and were not applicable to general conditions. As the scope of manufacturing widened, and the accumulations of capital increased, the older factories have, in many instances, given place to those of a higher type in which the laborer's surroundings were improved. It may be that some of the complaints were exaggerated; advocates of any cause are sometimes given to making over-statements. But, after every allowance is made for exaggeration, it still remains true that the workers had ample cause for demanding an inspection law.

*Factory Conditions.*—Many of the petitions in 1885 for the ten-hour law seized the opportunity to condemn the sanitary conditions of the mills. General Horatio Rodgers, at a hearing of the Senate Judiciary Committee, said he “was not a little shocked” to hear the mills described as “pest houses” and as “reeking with ‘pestiferous’ vapors from oil evaporating on machinery.” Such descriptions, the speaker claimed, were at utter variance with facts. Before the same committee, labor leaders charged that the work rooms were filled with steam vapor to increase the dampness, the yarn running better with damp air; and that in some instances the temperature was maintained at from 100 to 120 degrees.<sup>7</sup> The mill workers

<sup>7</sup> See testimony before Senate Judiciary Committee, Weekly Journal, March 13, 1885.

in their returns to the Commissioner of Industrial Statistics for 1887 and 1889, complained of close air, defective sanitation, and of being compelled to work under sprinklers.<sup>8</sup> The commissioner in his report for 1889 said that "while many of the workshops" possessed "all the requisites for health and comfort" there were "some lacking in every particular." He was of the opinion that these latter conditions were exceptional.<sup>9</sup>

The returns from working women to the Bureau of Industrial Statistics in 1889, and the investigation conducted by that bureau in 1893, go to show that state supervision was needed. Although factory conditions were not as distressing as alarmists believed, they might well have been better.<sup>10</sup>

<sup>8</sup> Loom-Fixer, Providence.—"Operatives as a class are all worn out and soon become old on account of long hours and close, filthy air."—Report Commissioner Industrial Statistics, 1887, p. 40. . . . Warp Twister, Pawtucket.—"Sanitary conditions is bad."—*Ibid.* . . . Weaver, Pawtucket.—"Sanitary conditions of workshops in many cases are wretched, and in some cases abominable."—*Ibid.*, p. 46. . . . Jeweler, Providence.—"Jewelry shops seldom possess means of ventilation."—*Ibid.* . . . Drawer-In.—"The room I work in is over a swampy place and in the Spring the water bubbles through the floor. We work under sprinklers and our clothes are wet all the time."—Report Commissioner Industrial Statistics, 1889, p. 152. . . . Drawer-In.—"Women are compelled to stand continually in these departments in an atmosphere densely charged with vapors poisonous to the system."—*Ibid.*, p. 152. See also p. 154. . . . Girl-Box Tender.—"I work in a room where the sprinklers are fastened to the ceiling; our clothing is wet all the time."—*Ibid.* . . . Tailoress.—"Everybody in the building where I am employed use the same water closet. There are a large clothing store, three tailor shops, a barber shop, two broker's offices, one piano room, one shoemaker's shop, and a repair shop."—*Ibid.*, p. 151.

<sup>9</sup> Report 1889, pp. 16 and 17.

<sup>10</sup> The statistics for 1889 are based on returns of working women, the results being compiled from the unsummarized figures of the report. *The numbers refer to the answers of individual women.* (Bureau of Industrial Statistics, 1889, pp. 26-137.) The statistics for

The report of the United States Bureau of Labor for 1888 says of the mills in Providence:<sup>11</sup> "The older mills are defective in light, ventilation and space, are often without dressing rooms, and frequently the ordinary sanitary requirements are disregarded. These conditions with the floating dust incident to work in the mills, and the rigor of the climate in the winter season, induce diseases of the lungs. The extensive jewelry manufactories are usually well suited for their uses, but parts of the work are said to be injurious." According to the statistics of this report, the health of the working women of Providence was very similar to that of working women for the entire nation.<sup>12</sup> It is seen that after beginning employment there was an appreciable decline in the health of the workers. In the case of the Providence women,

1893 were obtained by the officials of the bureau, and refer to individual factories. (Report of 1893, p. 57.)

|                             | Women<br>Reply-<br>ing | 1889  |     | Number<br>Estab-<br>lish-<br>ments | 1893 |     |
|-----------------------------|------------------------|-------|-----|------------------------------------|------|-----|
|                             |                        | Yes   | No  |                                    | Yes  | No  |
| Foul odors in workroom...   | 832                    | 193   | 639 | 232                                | 87   | 145 |
| Separate water closets..... | 1,439                  | 1,324 | 115 | 232                                | 200  | 32  |
| Rooms for changing dress.   | 1,321                  | 440   | 881 | 232                                | 57   | 175 |

<sup>11</sup> Page 23.

<sup>12</sup> Report United States Commissioner of Labor, 1888, pp. 65 and 383.

#### WORKING WOMEN OF PROVIDENCE.

|                               | Good | Health<br>Fair | Bad |
|-------------------------------|------|----------------|-----|
| At age of beginning work..... | 568  | 34             | 8   |
| Per cent. ....                | 92.6 | 5.6            | 1.3 |
| At present time (1888).....   | 494  | 91             | 25  |
| Per cent. ....                | 81.0 | 14.9           | 4.0 |

#### WORKING WOMEN OF UNITED STATES.

|                              | Good   | Health<br>Fair | Bad |
|------------------------------|--------|----------------|-----|
| At age of beginning work.... | 16,360 | 882            | 185 |
| Per cent. ....               | 93.9   | 5.0            | 1.0 |
| At present time (1888).....  | 14,557 | 2,385          | 485 |
| Per cent. ....               | 83.5   | 13.6           | 2.8 |

it is improbable that this decline in health was caused by advancing age, for of the 610 women the average age was twenty-four years, four months, and only 38 were over thirty-eight years of age. Whether or not this failing health was due to causes independent of their work cannot be ascertained.

Mr. Capron, when opposing in 1890 the proposed factory act, which was practically a copy of the Massachusetts statute, said that under such a law, "the factory inspector would find a hundred things in some of the old mills of Rhode Island that he would order changed. It is doubtful," said he, "if there is a single mill in the State that could present a clean bill of health."<sup>13</sup>

*Legislative History of the Act.*—Petitions from the workers for an inspection law were presented to the General Assembly in 1888. The petitioners afterwards complained bitterly that their prayers were disregarded.<sup>14</sup> In his report for 1888 the commissioner of industrial statistics pointed out that the law by which the bureau was established, made him a factory inspector but gave him "no authority whatever," and he recommended that Rhode Island should follow the example of other states in providing for regular inspectors of factories.<sup>15</sup> The bill was introduced at the January session, 1890, and for the three subsequent years was urged by the labor interests.<sup>16</sup> The act met with the organized opposition of

<sup>13</sup> Proceedings of House of Representatives, Providence Journal, March 27, 1890.

<sup>14</sup> Report Commissioner Industrial Statistics, 1889, pp. 150, 152, 153.

<sup>15</sup> Report, 1888, p. 140.

<sup>16</sup> An act based upon the Massachusetts statute passed the House, March 27, 1890. (Providence Journal, March 28.) In the debates over the bill, it was claimed that too much arbitrary power was given to the inspector, and it was suggested that the town councils be courts of appeals. Mr. Cook, of Providence, thought the bill offered much opportunity for collusion between the inspector and

the manufacturers and was repeatedly defeated. In 1894 the opponents of the measure seem to have decided that the persistent demands of the workers could no longer be repulsed. It is probable that the political situation aided them in reaching this decision. The Women's Council, composed of civic and philanthropic societies of Providence, gave most efficient support to the movement. A final vote on the bill was taken on March 1, and as the Providence Journal said, "contrary to the expectation of everyone" was passed unanimously. This vote was afterward rescinded and another bill of the same nature, but more explicit in its phrasing, was passed by both Houses on April 26.

*Provisions of the Act.*—This act (Chapter 1278) was modeled along the lines of the Massachusetts law. The following is a digest of its chief provisions:

Sec. 1. *Child Labor.* No child under twelve years shall be employed in a manufacturing or mercantile establishment.

Sec. 2. *Factory Defined.* This chapter shall apply to establishments employing five or more persons.

Secs. 3 and 4. *Inspectors.* The Governor shall appoint two factory inspectors, one of them a woman, for a term of three years. The inspectors shall as often as is practicable inspect all establishments employing women or children and prosecute all violations of this Chapter. They shall make an annual report to the General Assembly. The salary of each inspec-

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rich manufacturers. Mr. Wilson said the proper enforcement of the act would require an angel, but he knew the inspector would be a mere man. (Providence Journal, March 27.)

Mr. Thornley, in a debate at the June session, said such a law would drive the manufacturers out of the State. "When a man has got together a few thousand dollars and put it in bricks and mortar, he is not going to allow the Senate, with a few cranks in it, to manage the business for him." (Providence Journal, June 20, 1890.)



tor shall be \$1,500 a year, and office expenses to the amount of \$1,200 shall be paid by the State.

Sec. 5. *Elevators.* The owner or lessee of any factory or mercantile establishment, when so directed by the factory inspector, shall enclose hoisting shafts and well-holes, and shall provide trap or automatic doors, so fastened in elevator ways as to form substantial surfaces, and so constructed as to open and close by action of the elevator in its passage.

Sec. 6. *Cleaning of Machinery.*—No minor under sixteen years shall clean machinery while it is in motion unless such action is approved by the inspectors as not dangerous.

Sec. 7. *Reporting of Accidents.*—Employers shall report in writing to the inspectors all fatal accidents within 48 hours after their occurrence; and all accidents, which prevent the injured person from returning to work within two weeks, shall be reported within three weeks after occurrence.

Sec. 8. *Closets.*—Shall be provided in all places where women and children are employed, in such manner as shall, in the judgment of the inspectors, meet the demands of health and propriety.

*Dressing Rooms.*—Separate dressing rooms for women and girls shall be provided where such are deemed a necessity by the inspectors.

*Seats for Women and Girls.*—Shall be provided and they shall be permitted to use them when their duties do not require their standing.

Sec. 9. *Defective Conditions.*—If the inspectors find that the heating, lighting, ventilation, or sanitary arrangement of any shop or factory is such as to be injurious to the health of the persons employed therein, or that the means of egress in case of fire or other disaster is not sufficient, or in accordance with all the require-

ments of law, or that the belting, shafting, gearing, elevators, drums, and machinery in shops and factories are located so as to be dangerous to employees, and not sufficiently guarded, or that the vats, pans, or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident, or injury to those employed at or near them, either or both shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within ninety days.

Sec. 10. *Appeal from Inspectors' Orders.*—Any person aggrieved by an order of the inspectors may appeal to the district court for revocation of the order.

Sec. 11. *Power of Inspectors.*—Inspectors shall have power to administer oaths or affirmations.

Sec. 12. *Penalty.*—Any person who knowingly violates any of the provisions of this act shall upon conviction be fined not more than \$500.

Sec. 13. *Posting of the Law.*—A printed copy of the law shall be posted by the inspectors in each establishment affected by its provisions.

*Factory Inspectors.*—It is seen that the effectiveness of the above statute depends upon the inspectors' standards of "health and propriety," and what he considers essential to the protection of life and limb. With the exception of the provisions regarding the construction of elevators, and those fixing the age of child labor, no *definite* requirements are made for physical and moral surroundings of the operatives. The character of the law depends almost entirely upon the interpretation given it by the inspector. The advantages and disadvantages of this indefinite statute will be discussed in another section.

*Inspectors to Enforce the Hours-Of-Labor-Laws.*—By an act of 1899 (Chapter 708) the factory inspectors were required in addition to their other duties to enforce the law limiting the hours of work for women and children to sixty hours a week. (Chapter 519 of 1885). The law of 1902 (994) reduced the week's work to fifty-eight hours, and in 1905 (Chapter 1215) the employment of children before 6 A. M. or after 8 P. M. was prohibited.

*State Senate to Elect Inspectors.*—An act of 1901 (Chapter 809, Sec. 12) amended section 3 of the law of 1894 by providing that the Governor must have the advice and consent of the Senate in the appointment of factory inspectors. This requirement was equivalent to taking the appointing power from the Governor and vesting it in the Senate; for the statute provides that, if within a specified time, the Governor does not present such a nominee as will be acceptable to the Senate that body shall proceed to elect a man of its own choice. This unique statute is one of the most efficient instruments for party control ever devised. By this law the factory inspectors are made responsible to the Senate alone, which, owing to a peculiar system of unequal representation, has long been controlled by one party. It is doubtful if these circumstances are conducive to a rigid enforcement of the factory laws. The writer does not purpose to add to the already voluminous comment on Rhode Island political conditions except in so far as these conditions may affect the administration of labor legislation.

*The Law of 1905.*—The changes made in the factory inspection law by the act of 1905 (Chapter 1215) dealt chiefly with child labor. These have already been considered. By the act of 1894 the inspectors had been empowered to visit and inspect "the factories, workshops,

and other establishments in the State employing women and children." A strict interpretation of this clause would have prevented the inspection of establishments where only men were employed. The act of 1905 authorized the inspectors to inspect "the factories, workshops and other establishments in this State subject to the provisions of this Chapter." The force of factory inspectors was increased by the provision for one chief inspector at \$2,000 a year, and two assistant inspectors at salaries of \$1,500. One of the assistant inspectors must be a woman. Before this act, the inspection force had consisted of two officials of equal rank. The greater part of the 1894 statute was not changed and is the law of today.

*Toilet Rooms in Foundries.*—In 1904, a law (Chapter 1142) was enacted that every foundry employing ten or more men should provide suitable toilet rooms containing wash-bowls or sinks, supplied with water, water closets, and a room wherein the men may change their clothes, this room to be within the building occupied by the foundry. The penalty for violation of this law is a fine of not less than \$50 or more than \$100. The bill was passed owing to the urgent solicitations of the Moulders' Unions. H. E. Bryant, New England representative of the Iron Moulders' Union, supported the measure at public hearings of the legislative committee.

*Drinking Water For Factories.*—By an act of 1907, (Chapter 1429) factories and workshops are required to supply fresh drinking water of good quality to their employees. The boards of health of towns and cities are authorized to enforce the law. The bill was introduced by Representative Kearney and met with little opposition. It seems to be well observed by the manufacturers.

## ADMINISTRATION OF THE FACTORY INSPECTION LAW.

*Introductory.*—It is seen that the Rhode Island factory inspection act makes very few definite provisions to which the mills and shops are required to conform. The law orders that the conditions regarding lighting, heating, ventilation, toilet facilities, dressing-room, and guarding of machinery shall be such as are deemed necessary by the inspector. The effectiveness of the measure depends, therefore, upon the inspector's standards of health and safety.

This indefiniteness of the law is an advantage in that it allows the inspector to adjust his orders to the needs of the occasion. Conditions vary with the different mills, so that it may be best to leave to the judgment of the inspector what changes are required. A manufacturer would regard as a great hardship an order requiring him suddenly to bring an old mill up to a fixed standard, whereas, an official possessing tact and firmness, could cause the employer gradually to improve the conditions of his establishment. Perhaps, it may be well for the inspector to give his orders as though suggesting improvements rather than as enforcing a legal requirement.

On the other hand, this Rhode Island statute has the very evident weakness of making too much depend upon the character of the inspector. Where there are no definite standards to be maintained there is danger of the inspectors', through indolence or cupidity, lapsing into a condition of innocuous inactivity. Again, where there are no definite statutory requirements, the workers have nothing to guide them in making complaints concerning unsatisfactory surroundings. The writer is of the opinion that the statute would be improved by incorporating certain minimum standards of health and safety to which the factories should be compelled to conform.

*Lighting.*—If the factory inspectors . . . find that the lighting . . . is such as to be injurious to the health of the persons employed . . . either or both shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within ninety days.

No general term would accurately describe the conditions of lighting in the Rhode Island factories, for these conditions vary with the age of the mills and with the different departments in the same mill. The writer is of the opinion that, as a rule, the lighting of the mills and workshops is good. This is not in agreement with Mr. Shadwell's opinion.<sup>17</sup> There are, of course, some factories in which conditions are distinctly bad, but these cannot be taken as typical. In the majority of factories, the greater part of the wall space is occupied by windows, and the workrooms, especially the weaving, spinning, and burler rooms, have abundant light. Most of the rooms given to the sewing and inspecting of cloth, are provided with skylights.

As has been said, the lighting in some of the establishments is defective. This is particularly true of the old mills. The braiding-room of a shoe-string factory, in which the writer worked, was so gloomy as to make the task of threading the braiders a severe strain on the eyes. In another mill, the "crabber" room was ill-lighted, though other departments were satisfactory. Many of the dyeing and "wetting" rooms of the older mills are gloomy; some of them are dark. It is an encouraging fact that the establishments recently constructed are well-

<sup>17</sup> . . . "that cannot be said of the United States where I have seen many modern mills miserably lighted. Weaving sheds placed beneath other rooms are common, and, indeed, the rule. . . . A bad light is the most conspicuous and general defect of American factory premises."—Shadwell: *Industrial Efficiency*, Vol. II, p. 53.

lighted, and the old dye rooms are in many cases being replaced by more cheerful quarters.

*Heating.*—If the factory inspectors . . . find that the heating . . . is such as to be injurious to the health of the persons employed, . . . either or both shall notify the proprietor . . . to make the necessary alterations or additions within ninety days.

The writer's visits to the Rhode Island mills were limited to the summer months, and he is, therefore, not personally familiar with conditions during cold weather. A few workmen complained that in winter the workrooms were cold, but the majority of the men questioned said that the heating was satisfactory. The writer found the temperature in most of the workrooms during the summer to be fairly comfortable. Naturally, this statement does not apply to all the rooms. In the departments where the cloth or yarn is "dressed" the heat is excessive, often being as high as 120 degrees. With the present processes of "dressing," this high temperature cannot be avoided. The dye houses are generally highly heated and often filled with steam. There seems to be no necessity for such conditions as the departments could be so constructed as to eliminate from the air the greater part of the steam and acid fumes. The inspectors might well be more critical in their examination of dye houses. The workers in these rooms accept such surroundings as a matter of course; they say it is "all in the game," and make no complaint.

*Ventilation.*—If the factory inspectors . . . find the ventilation . . . is such as to be injurious to the health of the persons employed . . . either or both shall notify the proprietor . . . to make the necessary alterations or additions within ninety days.

In summer, the ventilation of Rhode Island factories is satisfactory; in winter, it is very defective. This corresponds closely to the conditions prevailing in the homes of the workers. The importance of fresh air is not appreciated by the average man, and, as a result, during the late autumn and the winter the hundreds of windows of factories are kept tightly closed. It is probable that mill managers would not object to the rooms' being better ventilated, but there is no demand by the workers that the windows be opened. Yet, even with these failings, it is probable that the air in the factories is better than that of other buildings frequented by the workers. Mr. Shadwell, who visited a number of the Rhode Island mills, is of this opinion when speaking of general conditions in America.<sup>18</sup> The air in the manufacturing establishments is not good, but it is better than that which the worker breathes elsewhere. It is true, two wrongs do not make a right; the lack of ventilation in the homes of the laborers does not excuse the faulty conditions in the factories. What is needed is that the workers should be educated to appreciate the hygienic importance of fresh air.

*Seats for Women and Girls.*—In every manufacturing, mechanical, or mercantile establishment in which women and girls are employed there shall be provided conveniently located seats for such women and girls, and they shall be permitted to use them when their duties do not require their standing.

<sup>18</sup> The atmosphere now maintained in most factories is better than that breathed in any other buildings frequented by the work people. It is better than that in schools, churches, chapels, public houses, theatres, and far better than that in the homes of the workers. This was borne out by investigations of the Department Committee appointed by the British Home Office, to investigate the ventilation of factories.—Shadwell: *Industrial Efficiency*, Vol. II, p. 48.



Compliance with this law seems to be satisfactory.

*Dressing Rooms.*—Separate dressing rooms for women and children shall be provided in all establishments where such are deemed a necessity by said factory inspectors.

The inspectors say frankly that they do not think dressing rooms are needed in factories. Certainly, in very few establishments are such facilities provided. The writer is inclined to think that there is no demand by the workers for these rooms, and that if such conveniences were provided they would, in most instances, not be used by the employes. In most of the mills each workroom is equipped with a metallic sink, similar to those used in kitchens, and at these the workers bathe their faces and hands. This is not a very elegant arrangement, but it is that to which they are accustomed at home, and it seems to answer the purpose fairly well. The women and girls have working skirts and jackets which they slip over their street dresses and they manage to keep themselves surprisingly neat.

*Water-Closets.*—Water-Closets . . . shall be provided in all places where women and children are employed, in such manner as shall in the judgment of said inspectors meet the demands of health and propriety.

The inspectors' standards, as to what toilet facilities meet the demands of propriety, are not high. Separate water-closets, as a general rule, are provided for the sexes, but in many instances these closets are adjoining and are not equipped with separate and screened approaches. The entrances are often in full view of workers of both sexes. The inspectors repeatedly told the writer that such closets are satisfactory and that the

factory employes do not object to such arrangements. Certain it is that the workers do not regard such toilet facilities as an evil and there is little demand for improvement. The indifference of both sexes to privacy in this matter would be a revelation to one who is not accustomed to factory conditions. It appears that such conditions have dulled the delicacy of the female employes; whether or not this has led to increased immorality is a question which cannot be accurately answered. The statements as to the morals of mill workers are so varying as to neutralize each other and are practically worthless. Toilet facilities in the tenement homes and lodging houses are much worse than those in the factories and train the laborer to accept the mill conditions without comment.

*Cleaning of Machinery.*—No minor under sixteen shall be allowed to clean machinery while it is in motion unless the same is necessary and approved by said inspectors as not dangerous.

This law seems to be well observed in the Rhode Island factories.

*Guarding of Machinery.*—If the factory inspectors find . . . that the belting, shafting, gearing, elevators, drums, and machinery in shops and factories are located so as to be dangerous to employees, and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards . . . either or both [of the inspectors] shall notify the proprietor . . . to make the alterations or additions necessary within ninety days.

In Rhode Island, as in other American states, little progress has been made in guarding machinery. Mr.

Shadwell says of conditions in America that "the fencing of machinery is almost ignored" and that very little attempt is made for the complete covering in and protecting of parts as may be seen in the best English factories.<sup>19</sup> Gearing is found exposed in many of the Rhode Island factories, and the practice of enclosing dangerous belting is not general. In several of the mills visited this danger was increased by the crowding of machinery. The factory inspectors have done good work in having removed projecting shafts which are especially dangerous in catching the dresses of women and girls. Through the influence of the inspectors, the managers have made rules forbidding the mill girls to wear their hair loose or in plaits. The girl with curly locks would otherwise willingly run the risk of being scalped by the machinery.

It is encouraging to note that many of the new mills are equipped with better guarded machinery and that more space is allowed for the workers. The best guarded machinery seems to be that imported from England. It is a good business policy for the owners thus to equip their new establishments, for it is almost certain that stricter factory laws and more careful enforcement will before many years be demanded and obtained by the labor forces.

There is thus ample opportunity for the better protection of machinery in most of the Rhode Island factories, and the present inspectors might well insist upon higher standards in this regard. The writer is, however, of the opinion that labor leaders over-estimate the good results which will come from the installation of safety devices. A limit to the guarding of machinery is soon reached: even with the best means of protection, the machine often remains dangerous and many accidents will

<sup>19</sup> Shadwell: *Industrial Efficiency*, Vol. II, p. 54.

occur. This is one of the penalties which society pays for rapid, mechanical production. The guarding of machinery to be effective must be supplemented by the excluding of all laborers who have not reached the age of discretion and resourcefulness; by shorter hours so that the workers can remain alert and careful; by good sanitary conditions so that the tenders of machinery may have the quickness of eye and steadiness of hand born of good health.

*Reporting of Accidents.*—It shall be the duty of the owners or superintendent to report in writing to the factory inspectors all fatal accidents within forty-eight hours after their occurrence; and all accidents which prevent the injured person from returning to work within two weeks after such injury shall, within one week after the expiration of such two weeks, be reported . . . to said inspectors.

This section of the law is not enforced. The inspectors freely admit that they depend upon the public press for knowledge of such accidents as are listed in their annual reports. The writer would question the usefulness of such a law even if it were well administered. But, this is beside the point. The law, being upon the statute book, should either be enforced or repealed.

*Factory Inspectors' Report.*—Said inspectors . . . shall report to the General Assembly . . . each year, including in said reports the names of the factories, the number of hands employed, and the number of hours of work performed each week.

Below is given a page taken from the report of factory inspection for the year 1906.

| Establishment                                | Character of Business     | Men   | Women | Children under sixteen |       | Sanitary Condition | Orders                        | Compliance |
|--|---------------------------|-------|-------|------------------------|-------|--------------------|-------------------------------|------------|
|  |                           |       |       | Boys                   | Girls |                    |                               |            |
| Union Winding Co.....                        | .....                     | 6     | 14    | .....                  | ..... | Fair.              | .....                         | .....      |
| U. S. Finishing Co., Silver Spring...        | Finishing cotton goods.   | 598   | 70    | 15                     | 2     | Very good.         | Send out boy for certificate. | Complied.  |
| U. S. Gutta Percha Paint Co.....             | .....                     | 21    | 5     | .....                  | ..... | Good.              | .....                         | .....      |
| United Wire & Supply Co.....                 | .....                     | 78    | 6     | 2                      | ..... | Excellent.         | .....                         | .....      |
| Universal Die Sinking Co.....                | Die cutters               | 8     | ..... | .....                  | ..... | Good.              | .....                         | .....      |
| Universal Winding Co.....                    | Winding machines          | 187   | 4     | 2                      | ..... | Excellent.         | .....                         | .....      |
| Usona Cafe.—Closed                           | .....                     | ..... | ..... | .....                  | ..... | .....              | .....                         | .....      |
| Van Tyn Bros.....                            | Beef and provisions.      | 6     | ..... | .....                  | ..... | Good.              | .....                         | .....      |
| Vaughn, L. Co.....                           | Sash, doors, blinds, etc. | 45    | 3     | .....                  | ..... | Good.              | .....                         | .....      |
| Vennerbeck & Clase Co.....                   | Gold and silver plate.    | 12    | ..... | .....                  | ..... | Good.              | .....                         | .....      |
| Vermont Mfg. Co.....                         | Oleomargarine             | 14    | 1     | .....                  | ..... | Very good.         | .....                         | .....      |
| Vesta Knitting Mills.....                    | Underwear                 | 50    | 175   | 20                     | 10    | Very good.         | .....                         | .....      |
| Vester, Alfred & Sons.....                   | Metal ornaments           | 22    | 2     | 6                      | ..... | Good.              | .....                         | .....      |
| Viall, Geo. R.....                           | Beef                      | 10    | ..... | .....                  | ..... | Very good.         | .....                         | .....      |
| Viall Market, The.....                       | .....                     | 4     | 1     | .....                  | ..... | Good.              | .....                         | .....      |
| Voelker, Philip L.....                       | Brushes                   | 5     | 27    | .....                  | ..... | Excellent.         | .....                         | .....      |
| Vose, Geo. L. Mfg. Co.....                   | Jewelry                   | 26    | 10    | 1                      | ..... | Good.              | .....                         | .....      |
| Wachenheimer Bros.....                       | Jewelry                   | 23    | 2     | 1                      | ..... | Good.              | .....                         | .....      |
| Wadsworth Braiding Co., removed to Mansfield | .....                     | ..... | ..... | .....                  | ..... | .....              | .....                         | .....      |
| Waite, Mathewson & Co.....                   | Jewelry                   | 38    | 25    | 2                      | ..... | Excellent.         | .....                         | .....      |
| Waite-Thresher Co.....                       | Jewelry                   | 132   | 52    | 1                      | 1     | Excellent.         | .....                         | .....      |
| Waldorf Lunch                                | .....                     | 12    | ..... | .....                  | ..... | Good.              | .....                         | .....      |
| * Wall, A. T. Co.....                        | Plate and seamless wire   | 82    | 12    | .....                  | 1     | Excellent.         | .....                         | .....      |
| Walsham, Josiah                              | Brass ornaments           | 10    | 1     | .....                  | ..... | Good.              | .....                         | .....      |
| Wanskuck Mills                               | Worsteds                  | 531   | 387   | 32                     | 37    | Very good.         | .....                         | .....      |

It is seen that the report fulfills the requirements of the law by giving the names of the factories and the number of hands employed. The statute also orders that the report shall give the number of hours of work performed each week. It is well that this provision is disregarded, for the printing of long columns of 58's is thus avoided. The reports are not satisfactory guides as to the sanitary conditions of the mills. In very few instances can the sanitary condition of an entire mill be classed under one of the categories of "excellent," "good," et cetera. A mill may have excellent lighting, but have bad closets; it may have satisfactory ventilation and yet be defective in cleanliness. It would be misleading to class such an establishment as "excellent" or as "bad." What is needed is that there be a separate column for each aspect of sanitation; lighting, heating, ventilation, closets, et cetera. It might be advisable to have a report on each of the chief departments of an establishment. For instance, in the case of a textile mill, reports on lighting, ventilation, et cetera, could be made for the spinning, weaving, dyeing and finishing departments. The arrangement of the establishments engaged in the same industry is sufficiently similar to make such a report practicable. It is true with such careful inspection, the number of factories visited would be considerably reduced; but it is better for 600 establishments to be inspected thoroughly, than for a cursory visit to be paid to three times that number. The report for 1907 states that 1,899 establishments were inspected.

The statistics referring to adults and to children under sixteen years of age are probably not of much value. They are based upon returns made by the employers and seemingly no attempt is made by the inspectors to ascertain if such returns are accurate. There is no reason

why the employer should have his workers classified according to age periods. The employer knows the total number of his employes, and in making out the report card, he probably makes a rough guess as to how many of these employes are under sixteen.

*Posting of the Factory Act.*—A printed copy of this chapter shall be posted by the inspectors in each workroom of every factory, manufacturing or mercantile establishment where persons are employed who are affected by this chapter.

This provision of the law has been well administered; copies of the statute were found in each of the factories visited.

## CHAPTER V.

### FIRE ESCAPES AND ELEVATORS.

#### *I. Fire Escapes.*

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The first legislation in Rhode Island designed to protect the inmates of buildings from fire seems to date from 1859. Previous to that year there had been some legislation requiring that houses be provided with ladders and other appliances, but these regulations were intended to aid the volunteer companies in preventing conflagrations rather than for the protection of those living or employed in a building. One such law was enacted as far back as 1687 and ordered that "every owner of a house or houses in the said town [Newport] shall provide for every dwelling house a ladder to stand against each of the houses and that will reach up to or near the ridge of said houses, . . . or pay a fine of five shillings for default."<sup>1</sup>

The act of 1859 (Chapter 294), provided that the town councils should pass ordinances regulating the construction of doors, stairways, and entrances to buildings, used for public amusement, lectures or addresses. This statute was for the protection of the public in general, and cannot, therefore, be considered as a labor law, but it was a forerunner of similar legislation designed especially to increase the safety of factory employment.

An act of 1878 (Chapter 688) entitled "An Act in Relation to the Buildings of Providence and for other Purposes," devotes considerable space to the matter of fire-

<sup>1</sup>Rhode Island Colonial Records, III, p. 234.



escapes. The act requires that every building in which twenty-five or more operatives are employed in any of the stories above the second story, shall be provided with proper and sufficiently strong and durable fire-escapes, or with stairways constructed according to certain requirements. Elaborate regulations were laid down for making the stairways, and the partitions adjacent to or surrounding them, fireproof. The penalty for violation was a fine of \$20 and an equal fine for each day's continuance of such violation. The enforcement of the act was delegated to the chief engineer of the fire department. This provision for enforcement was the weakest feature of the law, as the duties of this official other than those of inspecting buildings were sufficient to keep him occupied. It was pointed out by the Court, speaking through Judge Durfee, in case of *Grant v. Slater Mill and Power Company*, that the law provides for fire-escapes or stairways but does not state by whom these shall be constructed. Compliance with this statute was as lax as provision for its enforcement was weak.

By an act of 1881 (Chapter 870) town and city councils were given authority to pass ordinances requiring the owners of mills, shops and other buildings in which operatives are employed above the second story, to provide these buildings with "proper and sufficient fire-escapes or stairways," and to enforce these ordinances by penalty not exceeding \$20 for each violation. The passage of this act was directly due to the petition of the town of Pawtucket for power to pass such regulations.<sup>2</sup> It is seen that the matter of requiring this protection for factories was left as optional with the town and city councils, they were simply given authority to pass such ordinances if they deemed such action necessary. No pro-

<sup>2</sup> State Archives: Acts and Resolves of 1881.

vision was made as to how the towns and cities were to enforce these measures.<sup>8</sup>

Disastrous fires in the Fourth Street School of New York City and the Newell Hotel in Milwaukee, centered the attention of legislators upon the importance of fire-escapes. The law of 1881 reads that the town and city councils "may" pass the fire-escape ordinances. In the act of 1883 (Chapter 340), this phrasing is changed and the word "shall" employed. This change was intentional, for in the original draft of the bill as presented by Mr. Sheffield, of Newport, the term "may" was used and this stricken out and "shall" substituted. Though this phrasing was used, there was nothing in the act to make obligatory the passage of such ordinances by the council; no penalty was to be imposed upon these bodies for non-compliance. This statute is an improvement upon the one of 1881, since it orders that for each day the law is violated, a fine of \$10 shall be levied upon the person or corporation using a building which is not properly equipped with these safety devices. The town and city councils were required to designate officers to enforce the provisions of the act. This act was faulty in that it contained no coercive element by which the towns and cities could be compelled to pass the needed ordinances, but it marked a distinct advance in determining who

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<sup>8</sup> In April, 1882, Senator Dole introduced a bill providing that buildings should be equipped with proper stairways and with fire-escapes on the outside of the buildings extending to within ten feet of the ground. A fine of \$20 was imposed upon the owner or lessee of a building for each day the law was violated. Town councils were empowered to examine from time to time all structures in which persons were employed above the second floor. The act was passed by the Senate, but it being the last day of the session, there was not sufficient time for the bill to be brought before the House.—Providence Journal, April 22, 1882.

should be fined for violating the law, and in providing for officials of administration.

A definite provision for an official to enforce the law was made the same year (Chapter 359 of 1883) when the building act of Providence was amended by giving the city council of that city power to appoint an inspector of buildings. Previous to this act, this duty had devolved upon the chief engineer of the fire department.

*The Law of 1890.*—The inadequacy of previous laws for the protection of workers from fire, caused the enactment of the statute of 1890. The commissioner of industrial statistics for 1889 says: "It is left with the town and city authorities to pass such ordinances, rules and regulations as they may deem best, indeed it is optional with them whether they take any steps whatever, or not. I doubt if there is a town or city in the state which has adopted any rules and regulations which are of any benefit except as they apply to the construction of new buildings, and in *these* buildings very little attention is paid to fire-escapes and to other provisions for the safety of occupants. The old buildings are seldom if ever inspected by any one. . . . Certainly what law we have is utterly disregarded."<sup>4</sup> The commissioner recommended that the General Assembly should enact laws to remedy these deficiencies, and that a State Inspector of Buildings be appointed to enforce the new statutes.<sup>5</sup>

Pursuant to these recommendations Mr. Lorin M. Cook introduced a bill at the January session, 1890, which, with a few subsequent amendments, forms the first nine sections of the present fire-escape law, Chapter 108 of General Laws, 1896. There was great opposition to the

<sup>4</sup> Report of Commissioner of Industrial Statistics, 1889, p. 19.

<sup>5</sup> *Ibid.*, p. 23.

passage of this act, certain owners of property worth many millions of dollars objecting to it on account of the expense they would incur.

The following is a summary of the provisions of this statute as it applies to factories and workshops, together with such amendments as have subsequently been made:

Sec. 1. Every factory or workshop in which employes are usually working above the second story, shall be provided by the owner either with strong and durable, metallic fire-escapes upon the external walls, or with incombustible stairways and stairs at opposite ends of the building.

Sec. 2. Town councils and the mayors of the several cities, except the city of Providence, shall annually appoint an inspector of buildings.

Secs. 3 and 4. Inspectors of Providence and other cities and towns shall examine the buildings in their respective jurisdictions, and should they deem a building unsafe shall give the owner notice to comply with the provisions of the law within sixty days.

Sec. 5. Inspectors are empowered to exempt from the provisions of the law buildings having special features of location or construction. The inspector may revoke such exemption after giving thirty days' notice to the owner of the building.

Sec. 6. When an inspector finds that a building has been properly equipped with fire-escapes or stairs, he shall upon the request of the owner, issue a certificate to that effect. This certificate shall, for a term of three years after its issue, exempt the owner of the building from all civil and criminal liability under this chapter.

By an act of 1895 (Chapter 1369) this section was amended by striking out all limitation upon the period of

exemption. Having once obtained a certificate stating that his building was properly equipped, the owner is exempt from all liability for an indefinite period. The inspector might revoke the certificate, but there is not much probability of this being done. The old form of the law is the better one, for it at least made probable the inspection of buildings every three years. It is true, even under the old law the inspector could at the end of three years re-issue the certificate without re-examining the building. This indefinite period of exemption from liability tends to encourage the owners in not keeping the safety devices of buildings in proper repair. In case of an accident caused by a decayed fire-escape, it would be difficult for injured workers to secure damages from the owner of a building if this owner had in his possession a certificate of exemption. Under the law, it would probably be a sufficient defense for the owner to hold that responsibility for the accident rested upon the town or city, even though the certificate be a score of years old.

Sec. 7. The owner of a leased building may enter the premises for the purpose of complying with this act.

Sec. 8. The owner of a building shall be liable for damages for the death or injury of any person caused by violation of this act.

Sec. 9. Owners of buildings failing to comply with this act shall be liable to a fine of not less than \$100 nor more than \$500.

In 1891, an act was passed providing that the mayor of each city every third year appoint three men as a board of appeal from the action or decisions of the inspector of buildings (Chapter 992 of 1891). This act is the same as sections 10-14 of the present law (General Laws, Chapter 108).

In 1896 (Chapter 367) the inspector of buildings of

Providence was authorized to appoint one or more assistants subject to the approval of the Board of Aldermen. The duties of the inspectors are given in more detail, but in general are similar to those given in the act of 1878 (Chapter 688).

By the factory inspection act of 1894 (Chapter 1278, Sec. 9) it was provided that if the factory inspectors find "that the means of egress in case of fire or other disaster is not sufficient or in accordance with all the requirements of the law . . . he shall notify the proprietor of the factory or workshop to make the alterations or additions necessary within ninety days." It is seen that law requires the *proprietor* of the establishment to make the necessary changes, whereas the other laws hold that this is the duty of the *owner* of the building in which the factory is housed. The proprietor of a business and the owner of the building in which the business is carried on, need not be one and the same person. For this reason, this section of the factory act of 1894,—and it is the law today,—is not in agreement with other laws relating to fire-escapes.

#### ADMINISTRATION OF THE FIRE-ESCAPE LAW.

Before 1890, there was no fire-escape law applying to all sections of the state. There was a statute requiring towns and cities to pass ordinances providing for such safety devices, but no means were furnished for compelling the towns to take such action. The city of Providence, as has been seen, had more definite statutes. It is not unnatural, therefore, that the administration of these laws was unsatisfactory. The commissioner of industrial statistics for 1887, reported there had been steady improvement, but that some mills still were entirely without fire-escapes and that some of those which

had been put up were comparatively useless.<sup>6</sup> The commissioner for 1889 is more emphatic in his condemnation, when he says: "There are many buildings throughout the State and especially in the city of Providence, which are lacking in means of escape in case of fire. . . . The old buildings are seldom if ever inspected by anyone. . . . It seems to me in matters of such importance to life and to safety of person, our laws are of but little consequence; certainly what law we have is utterly disregarded."<sup>7</sup> Some complaints from the workers indicate that conditions were not satisfactory.<sup>8</sup>

Since the act of 1890, the law has been better observed, so that at the present time conditions regarding fire-escapes may in general be said to be satisfactory. Mr. Lorin M. Cook, who introduced the act of 1890, says of its present administration: "The enforcement of the law at the present time I believe to be fairly good, indeed I may say better than might be expected."<sup>9</sup> The provisions of the law are not of a very high grade, since they require fire-escapes *or* a double system of stairs. A better law, perhaps, would be one requiring fire-escapes *and*

<sup>6</sup> Report Commissioner Industrial Statistics, 1887, p. 17.

<sup>7</sup> Report Commissioner Industrial Statistics, 1889, p. 19.

<sup>8</sup> Returns from workingwomen to Commissioner Industrial Statistics, 1889: Weaver—In case of fire we could not get out of the mill, because there is a heavy wire screen nailed upon all the windows—p. 151. Shoemaker—There is but one egress from the room in which 260 girls are employed. The stairways will not safely accommodate two abreast, for they are very winding—p. 153. Shoemaker in Rubber Factory—I work in a room where 273 are employed. There are but four escapes to get out on, and they are impossible to reach on account of the railing around the ladder and the distance from the window. We are in the fourth story of the building. The mixtures used in rubber goods are explosive in case of fire—p. 151.

<sup>9</sup> Letter of January 27, 1908.

stairs. It is probable that such a law could not be passed.

The great majority of the factories have stairs at each end of the building. In the older buildings these were so constructed because of the increased convenience they afforded rather than with any idea of guarding the occupants from fire. The presence of stairs at each end of a building fulfills the requirements of the law, but this does not give adequate protection. In case of an explosion or sudden ignition of very inflammable material in the lower story of a building, the stairways would become so filled with smoke that they could not be used. Factory workers, as a rule, are very excitable and easily stampeded. The best systems of fire-escapes and stairs will not prevent this, unless the workers have been trained by fire drills. One very evident need, even in those buildings which are well equipped, is that the location of the escapes should be marked. In some buildings there may be a number of different establishments and the employes of a majority of these may not know which are the entrances leading to these safety devices. This is especially true of those buildings in Providence in which are located many separate jewelry shops. It might be well to prescribe by law that the location of these fire-escapes be indicated at the entrances of the rooms opening upon them. Another provision needed is one requiring that all doors of factories must open outward.<sup>10</sup> In the event of a stampede and resulting rush of the workers, doors that open inwardly are sometimes closed, and those at the front of the crowd are forced forward so violently that it is impossible for them to gain an outlet for themselves and the struggling masses in the rear. Recent

<sup>10</sup> Such an act passed the House at the January session, 1907, but failed to be reported by the Senate Committee on special legislation.



accidents in various parts of the country have shown the need of such a law.

#### I. ELEVATORS.

The laws regarding elevators are closely connected with those concerning fire-escapes, so that these two phases of factory legislation are often included in the same statute. There are, however, some acts which relate only to elevators, and for this reason it has been deemed best to group under one heading all the laws upon this topic.

The first law in Rhode Island regulating the construction of elevators seems to have been the building law of Providence, passed in 1878, (Chapter 688). It was here ordered (Section 25) that hoistways or elevator shafts, not enclosed by fireproof partitions and doors, should be protected by "good and substantial railing and good and sufficient trap-doors." The penalty for violation of the law was a fine of \$20 for each offence and \$20 for each day such violation was continued. The law does not state by whom these elevator guards were to be constructed. The chief engineer of the fire department of Providence was made responsible for the administration of the statute.

At the May session, 1880, an act was introduced in the House providing for an inspection of elevators in cities and towns.<sup>11</sup> Two years later the State Senate passed a resolution instructing its committee on judiciary to ascertain if legislation was needed for the better safety of elevators.<sup>12</sup> Several serious accidents in Fall River and in New York City had called attention to the danger of unguarded elevators.

<sup>11</sup> Providence Journal, May 28, 1880.

<sup>12</sup> Providence Weekly Journal, Feb. 10, 1882.

By an act of 1883 (Chapter 340), town councils and city councils were required to pass ordinances regulating the construction, location and operation of elevators and hoistways used for the carriage of persons or of merchandise, and to provide for the punishment of persons committing a violation of these ordinances by a fine not exceeding \$5 for each day of such violation. The towns and cities were further required to designate officers to enforce these regulations. Though the statute is obligatory in its phrasing, the term "shall" being employed, it contains no provision by which the different communities were to be compelled to enact such ordinances; and, as a consequence, the law was in most instances disregarded.

By another act of 1883 (Chapter 359) the City Council of Providence was empowered to appoint an inspector of buildings to relieve the chief engineer of the fire department of the additional duties of inspection imposed by the act of 1878 (Chapter 688).

*The Laws of 1894.*—During the decade following 1883 no legislation concerning elevators was enacted. In 1894, the two acts which form the body of the present law were passed. The first of these is contained in Section 5 of the factory inspection law (Chapter 1278). It was here ordered that the owner, agent, or lessee of any factory or mercantile establishment should cause all hoisting shafts or well holes in his establishment to be so inclosed or secured as would, in the opinion of the factory inspectors, be necessary to protect the life or limbs of those employed in such buildings. It was further provided that, if the inspectors so directed, trap or automatic doors, should be fastened in all elevator ways so as to form substantial surfaces when closed, and so constructed as to open and close by action of the elevator.

It is seen that this law had the failing common to earlier legislation: it did not specify by whom these elevator guards should be constructed. "The owner, agent, or lessee" of the building are named, but the responsibility is not fixed upon any one of these. It is to be noted also that the entire interpretation of this section is left with the factory inspectors, it not being necessary for the owner, agent or lessee to install these elevator guards before such an order is issued by the inspectors.<sup>13</sup>

The other act (Chapter 1271 of 1894) is more definite in its provisions and fixes upon the owner of a building responsibility for violation of the statute. It rules that:

"Every elevator used for conveying persons or goods . . . the well of which elevator is not so protected as to be inaccessible from without while the elevator is moving, shall have attached to it some suitable appliance which shall give automatically, at all times, on every floor . . . a distinct, audible, warning signal that said elevator is in motion."

It was also provided that "all hoistways and elevator openings through floors where there is no shaft" should "be protected by sufficient railings, gates, trap-doors, or other mechanical devices, equivalent thereto."<sup>14</sup> The inspectors of buildings were authorized to inspect all elevators in their respective jurisdictions, and, should the law be violated, to notify the *owner or owners* to comply with the statute within thirty days after the receipt of such notice. A fine of not less than \$5 nor more than \$10 was provided for each day the law was violated.

An act of 1901 (Chapter 921) amended the above law

<sup>13</sup> This indefinite provision was superceded by Act 973 of 1902.

<sup>14</sup> The provisions as to passenger elevators apply more particularly to office buildings than to factories and are, therefore, not considered here.

by fixing the penalty for violation of its provisions at a fine of not less than \$50 nor more than \$100 for each offense. In 1902 (Chapter 973) this amendment of 1901 was repealed and the penalty was made the same as in the law of 1894. This statute of 1902 made several important changes in the elevator law. The owner *and* the lessee of a building were made responsible for violations of the statute. In like manner, the owner and the lessee were jointly made liable for the injury or death of a person caused by non-compliance with this measure. By this act it was also ordered that factory inspectors should inspect elevators in any city or town where there is no inspector of buildings. From this it appears that the factory inspectors are not responsible for the enforcement of the elevator law in communities which have inspectors of buildings. Since this act repealed all previous legislation inconsistent with its provisions, it therefore annulled that portion of the 5th section of the factory act of 1894 (Chapter 1278) ordering that "the owner, agent, or lessee" should make such changes as were ordered by the factory inspector. The owner and the lessee are now jointly responsible.

#### ADMINISTRATION OF THE ELEVATOR LAW.

The law regarding elevators is well enforced. The owner and the lessee of a building may take their choice of three methods of guarding against elevator accidents: 1. The elevator may be equipped so as to give automatically on every floor a signal that it is in motion. 2. The elevator shaft may be enclosed. 3. Trap-doors may be so fastened in elevator ways as to form substantial surfaces when closed, and so constructed as to open and shut by action of the elevator. None of these methods are very expensive. In all the factories which the writer visited or in which he secured employment during the

past summer, the elevators were equipped with one or more of these safeguards. A large number of the mill owners have adopted the efficient method of enclosing their elevator ways.

While the plan of fastening in the elevator ways trap-doors that will open and shut by the action of the elevator, complies with the law, it is a very doubtful protection. There is danger that some one may be standing on these trap-doors when, without warning, the elevator bursts through from the story below. Such an accident happened in 1901 when a boy, who was standing on such a trap-door in one of the large mills, was crushed between the door and wall by the rising elevator. These trap-doors were for the most part installed by the mill owners before the passage of the factory act, for the purpose of lessening fire risks and thereby reducing insurance rates. The law should require that such doors be protected by railings.

## CHAPTER VI.

### THE BUREAU OF INDUSTRIAL STATISTICS.

After the enactment of the ten-hour law in 1885, the leaders of organized labor directed their efforts to the passage of an act establishing a bureau of labor statistics. The union men were actuated in this movement by the desire to secure some governmental agency which would give publicity to labor conditions and furnish data on which could be based demands for additional legislation.<sup>1</sup>

The Knights of Labor took the initiative in this agitation. The first demand of this labor organization as set forth in the preamble of 1878 was for "the establishment of Bureaus of Labor Statistics, that we may arrive at a correct knowledge of the educational, moral, and financial condition of the laboring classes." The Knights steadily increased their numbers in Rhode Island, and by 1886 had, it is said, sixty-four local assemblies and over twelve thousand members. The leaders of these men had been trained, by their long fight for the ten-hour law, in the most efficient methods of supporting a labor measure, and they made use of this experience in their present undertaking.

The passage of the act might have been delayed had it

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<sup>1</sup>It is interesting to note that a bill for the establishment of a Bureau of Statistics for Rhode Island was reported by a committee at the January session of the General Assembly in 1850. The Providence Journal in speaking of the matter remarked: "Too little regard has been paid among us to statistical information and we are convinced that great benefits would follow the classification of agricultural and industrial statistics of the State. We hope it will engage the earnest attention of the General Assembly." (Providence Journal, Feb. 18, 1850.)

not been for the political situation in 1887. The citizens of the state had the previous year passed a constitutional amendment in favor of prohibition. General Charles R. Brayton was elected by the Legislature Chief of State Police to enforce this law. The choice of General Brayton, the methods used in securing his election, and the unchecked violation of the Constitutional decree, aroused the utmost indignation of the Rhode Islanders. President Robinson, of Brown University, at a mass meeting held June 2, 1886, said: "I have done some honest work in behalf of what is known as the Republican party. But, if it is carried on as the last legislature has carried on its work, I say the sooner the Republican party is put in the ground beyond the hope of resurrection, the better."<sup>2</sup> The Providence Journal, the old standby of Rhode Island Republicanism, is found pointing out that "for the first time since the outbreak of the war of the rebellion, the political supremacy of the Republican party was seriously threatened with overthrow." This was due, the Journal said, "to scandals and follies which in the last year have alienated or rendered doubtful the allegiance of a very considerable element of intelligent and independent citizens."<sup>3</sup>

The party in power was therefore anxious to conciliate the labor vote and thus re-inforce its waning strength. The Democrats had for several years been supporting the movement for establishing a bureau of labor statistics. In 1887, the Republican platform declared for such a statute.

The year 1887 was marked by serious labor disturbances. The mill hands throughout New England made such increased demands that the manufacturers found it

<sup>2</sup> As reported in Providence Journal, June 3, 1886.

<sup>3</sup> Providence Journal, March 1, 1887.

necessary to form an association in order to deal more effectively with strikes. The great railroad strikes on the western railroads made the workers in all parts of the nation more conscious of their power. Men with property rights to guard were, therefore, ready to support legislation which, it was thought, would calm this restless and militant spirit of labor. This desire of the manufacturers to placate their employes, combined with exigencies of the political situation, made clear sailing for the act establishing a bureau of industrial statistics. The workmen had planned for a bureau of labor statistics, but they agreed to the present title of the department, it being understood that the bureau would give its chief attention to investigations of labor conditions.

*Provisions of the Act.*—The law (Chapter 621) provided that the Governor should in June, 1887, and every two years thereafter, appoint a commissioner of industrial statistics. The duties and powers of this commissioner are stated in these terms:

Sec. 1. The commissioner of industrial statistics shall be *ex-officio* superintendent of the census of the state and shall perform the duties prescribed in chapter 69, and in addition thereto he shall collect, arrange, tabulate and publish, in a report by him to be made to the general assembly annually in January, the facts and statistical details in relation to the condition of labor and business in all mechanical, manufacturing, commercial, and other industrial business of the state, and especially in relation to the social, educational, and sanitary condition of the laboring classes, with such suggestions as he may deem proper for the improvement of their condition and the bettering of their advantages for intellectual and moral instruction, together with such other information as he may deem to be useful to the general assembly in the proper



performance of its legislative duties in reference to the subjects in regard to which he is required to report.

Sec. 2. Every employer of labor, and every person engaged in any industrial pursuit, shall give the commissioner of industrial statistics all proper and necessary information to enable him to perform the duties herein required of him, and in default thereof, upon reasonable demand, shall be fined twenty dollars.

The commissioner's salary was fixed at \$2,000 per annum. He could, with the consent of the Governor, employ assistants and incur expenses incident to the proper discharge of the duties of his office, not exceeding \$2,000 per year.

*Subsequent Changes in the Law.*—The changes made in the law deal with the appropriation allowed for office expenses and with the manner of appointing the commissioner and his assistants. With these exceptions the statute remains as it was passed in 1887.

In 1888 and 1889, the commissioner complained that the appropriation for office expenses was not sufficient, and asked for a more liberal grant. In 1890, this request was granted by the legislature's increasing the allowance from \$2,000 to \$3,000 per year.

By an act of 1901 (Chapter 809, Section 13) the power of appointing the commissioner was taken from the Governor and vested in the Senate. That is another section of the blanket measure of 1901, which was successfully designed to keep the patronage of the state offices under control of the political party then dominating the legislature. The commissioner was made responsible to the Senate alone, and therefore to the party in control of the Senate. This law has already been discussed in connection with the appointment of factory inspectors.

An act of 1902 (Chapter 1105) abolished what remaining power the Governor had over the bureau, by striking out the provision of the law requiring that in the appointment of his assistants the commissioner must have the approval of the Governor.

By a resolution of the General Assembly passed April 23, 1907, \$5,000 was appropriated to enable the commissioner of industrial statistics to investigate and report upon the number of wage earners in selected industries of Rhode Island, to classify such workers by age periods and sex, and to report on the rate of wages and cost of living in 1900 and 1906.

#### ADMINISTRATION AND RESULTS.

The labor leaders of 1887 expected that the Bureau of Industrial Statistics would be a great instrument by which the life and work of the toilers would be made known to the public. These expectations have not been fulfilled, and it is doubtful if the bureau has been worth its cost to the state.

The workmen thought that the commissioners would be chosen from men prominent in labor circles. In this they have been disappointed, for very few, if any, of these officials can be said to have been actively connected with the working class. While the complaints of the unions against the inefficiency of the bureau are well founded, it is also true that the labor organizations have encouraged their members to refuse giving information to the bureau officials, on the ground that their inquiries were attempts to ascertain the strength of unionism. The union members have demanded that the manufacturers supply information relating to child labor, cost of material, and capital invested, but have themselves often refused to answer the inquiries ad-

dressed to them by the bureau. Neither the business men nor the laborers seem to have taken the department seriously. So far as the writer has been able to learn, the average workman does not know that such an office exists. The business man gives little attention to the bureau, because he knows that the industrial statistics given are necessarily incomplete and, sometimes, judging from his own returns to the bureau, he doubts the accuracy of such reports. The present commissioner, in his report for 1905, charges that in previous years the manufacturers had practically been making a farce out of their returns to the department. It will be interesting to see how he will "impress upon them" that this practice must stop.<sup>4</sup>

Mr. Bowditch, the first and perhaps the best of the commissioners, early realized that it was impossible for the bureau to compel the manufacturers to furnish accurate statistics, and he did not hesitate to state such to be his conviction.<sup>5</sup>

It is thus seen that the bureau has little power to collect reliable statistics. Such material as has been

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<sup>4</sup>"Upon investigation it seemed probable that the manufacturers of Rhode Island had been submitting reports from year to year, made up in a perfunctory manner from reports of the preceding year, copies of which were kept in the manufacturers' offices for future use, and it seemed all the more necessary to impress upon them the fact that the Bureau of Industrial Statistics was interested in publishing something more than figures." Report of Commissioner of Industrial Statistics, 1905, p. 6.

<sup>5</sup>"The law which created the bureau makes the giving of all 'proper and necessary information' obligatory, but there is no rule to determine what questions would be proper and what improper. Statistics are only valuable where they are approximately exact, and it would be almost as difficult to compel an individual to give an *exact* statement in regard to his business affairs as to compel him to tell what he was thinking about at any particular moment."—Report of Commissioner of Industrial Statistics, 1888, p. 3.

obtained has in many instances not been presented in the most helpful manner. The average man, be he manufacturer or laborer, has neither the time of Methusaleh nor the patience of Job to go through the unsummarized and undigested statistics of which many of these reports consist.



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